



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Brad Poiriez, Executive Director

February 14, 2018

Carol Sutkus
State of California
Environmental Protection Agency
Air Resources Board
P. O. Box 2815
Sacramento, California 95812

Project Title: Amendment of MDAQMD Rule 102 – *Definition of Terms*

Dear Ms. Sutkus:

The Mojave Desert Air Quality Management District (MDAQMD) Amended Rule 102 – *Definition of Terms* on January 22, 2018. The MDAQMD requests that the California Air Resources Board submit amended Rule 102 to the United States Environmental Protection Agency (USEPA) for inclusion in the State Implementation Plan (SIP).

The amendment of Rule 102 – *Definition of Terms* was necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, to update them for consistency and clarity, and to address USEPA comments. Rule 102 was most recently amended on October 23, 2017 and submitted as a SIP revision. This current amendment will supersede the prior submittal. A complete SIP discussion is contained in the accompanying Staff Report §(VI)(E). This rule must be included in the SIP as it provides applicable definitions for other SIP rules.

The District requests CARB submit to USEPA the proposed amendments to Rule 102 to replace the SIP versions in effect in the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County. The District also requests removal of all prior versions of Rule 102 from the Blythe/Palo Verde Valley portion of the MDAQMD.

If you have any questions regarding this submittal, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122. Please note that all documents required for a complete submission were sent electronically on February 14, 2018.

Sincerely,

A blue ink signature of Alan J. De Salvio, written in a cursive style.

Alan J. De Salvio
Deputy Director – Mojave Desert Operations

AJD/tw

CARB SIP Submittal Request MD Rule 102 021418

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Mojave Desert Air Quality Management District

Rule No: 102

Rule Title: Definition of Terms

Date Adopted or Amended: Amended January 22, 2018

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended. (See Staff Report Appendix A)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. (See Staff Report Appendix B)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left. (See Staff Report Appendix C)

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy. (See Staff Report) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule. |

APCD/AQMD RULE EVALUATION FORM – Page 1
(Electronic Format)**I. GENERAL INFORMATION**District: Mojave Desert Air Quality Management DistrictRule No(s): 102 Date adopted/Amended/Rescinded: Amended 01/22/18Rule Title(s): Definition of TermsDate Submitted to ARB: 02/14/18If an Amended Rule, Date Last Amended (or Adopted): 10/23/17Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Tracy Walters Phone Number: (760) 245-1661 x6122 E-mail Address: twalters@mdaqmd.ca.govNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended RuleThe proposed amendments to Rule 102 shift common definitions used in the MDAQMD rulebook to Rule 102, and update them for consistency and clarity.Pollutant(s) Regulated by the Rule (Check): ☐ ROG ☐ (NOx) ☐ SO2
☐ (CO) ☐ PM ☐ TAC (name): _____**II. EFFECT ON EMISSIONS***Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.*Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/AEmission Reduction Commitment in SIP for this Source Category: N/AInventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate (Provide information on as many years as possible):

N/A

APCD/AQMD RULE EVALUATION FORM - Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: ☐ Attainment ☐ Nonattainment ☒ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: 0

Percent in Nonattainment Area: 0%

Number of Large (\geq 100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: 0%

Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule *(Attach additional sheets as necessary)*:

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: _____

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): N/A Work Practice Standards in Section(s): N/A

Recordkeeping Requirements in Section(s): N/A Reporting Requirements in Section(s): N/A

APCD/AQMD RULE EVALUATION FORM - Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: The amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing common definitions in the District rulebook in one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

RESOLUTION NO. 18-02

**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE
DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS,
CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 102 –
DEFINITION OF TERMS AND DIRECTING STAFF ACTIONS.**

On January 22, 2018, on motion by Member **ROBERT LOVINGOOD**, seconded by Member **JEFF WILLIAMS**, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the proposed amendments to Rule 102 – *Definition of Terms* are necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity; and

WHEREAS, the proposed amendments to the rule are necessary as indicated herein and in the supporting documentation; and

WHEREAS, the MDAQMD has the authority pursuant to H&S Code §40702 to amend rules and regulations; and

WHEREAS, the proposed amendments to Rule 102 are clear in that they are written so that the persons subject to the rule can easily understand the meaning because definitions have been consolidated and updated for consistency; and

WHEREAS, the amendments to Rule 102 are in harmony with, and not in conflict with, or contradictory to existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the proposed amendments do not impose the same requirements as any existing state or federal regulation; and

WHEREAS, the proposed amendments to Rule 102 are needed in order shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H&S Code §40725, concerning the amendments to Rule 102; and

RESOLUTION NO. 18-02

1 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
2 §15308) for the proposed amendments to Rule 102, completed in compliance with the
3 California Environmental Quality Act (CEQA), has been presented to the Governing Board
4 of the MDAQMD; each member having reviewed, considered and approved the information
5 contained therein prior to acting on the proposed amendments to Rule 102, and the
6 Governing Board of the MDAQMD having determined that the proposed amendments will
7 not have any potential for resulting in any adverse impact upon the environment; and

8 **WHEREAS**, the Governing Board of the MDAQMD has considered the evidence
9 presented at the public hearing; and

10 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
11 MDAQMD finds that the amendments to Rule 102 – *Definition of Terms* are necessary,
12 authorized, clear, consistent, non-duplicative and properly referenced; and

13 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD
14 hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and
15 certifies the Notice of Exemption for the proposed amendments to Rule 102; and

16 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does
17 hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule
18 102, as set forth in the attachments to this resolution and incorporated herein by this
19 reference; and

20 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately
21 upon adoption, and that the Executive Office Manager is directed to file the Notice of
22 Exemption in compliance with the provisions of CEQA.

23 //

24 //

25 //

26 //

27 //

28 //

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #18

DATE: January 22, 2018

RECOMMENDATION: Conduct a public hearing to consider the amendment of Rule 102 – *Definition of Terms*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 102 and directing staff actions.

SUMMARY: Rule 102 is proposed for amendment to provide consistency and clarity of commonly used definitions contained in the District rulebook.

CONFLICT OF INTEREST: None

BACKGROUND: The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 102 – *Definition of Terms* for inclusion in the current rulebook.

Many terms are defined in multiple district rules. Staff has determined that the rulebook will be more clear and consistent by shifting common definitions to Rule 102 and updating many definitions for consistency. This rule is proposed for amendment at this time due to related changes in Rules 1114 – *Wood Products Coating Operations*, Rule 1157 – *Boilers and Process Heaters*, and 1161 – *Portland Cement Kilns*.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1104 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(I) (FCAA §110(I)) requires that all SIP revisions be adopted after public notice and hearing.

I, Deanna Hernandez
CUSTODIAN OF RECORDS OF MOJAVE DESERT AIR
QUALITY MANAGEMENT DISTRICT, HEREBY CERTIFY
THE FOREGOING TO BE A FULL, TRUE AND CORRECT
COPY OF THE RECORD OF THE ACTION AS THE SAME
APPEARS IN THE OFFICIAL MINUTES OF SAID
GOVERNING BOARD MEETING

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT.

Ref. Resolution 18-02, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 102 – *DEFINITION OF TERMS* AND DIRECTING STAFF ACTIONS.”

Rule 102

Definition of Terms

The definitions contained in this Rule shall apply to all rules within this Rulebook except when a term is otherwise provided in a specific rule or regulation.

- (1) Actual Emissions – The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be calculated using the verified actual operating hours; production rates; and types of materials processed, stored or combusted as applicable.
- (2) Adhesive – Any substance that is used to bond one surface to another by attachment.
- (3) Aerosol Coating Product – A pressurized Coating product that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application.
- (4) Aggregate Emissions – A facility-wide sum of Actual Emissions, on an emissions category specific basis, from emission units operated at a single facility.
- (5) Agricultural Burning – Open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.
- (6) Agricultural Operations – Any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowls or animals for the primary purpose of making profit or for a livelihood, including the growing and harvesting of crops or the raising of fowl or animals, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.
- (7) Agricultural Wastes – Unwanted or unsalable materials produced wholly from Agricultural Operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. The term does not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by open outdoor fire is ordered by the County or State Agricultural Commissioner upon his determination that the waste is infested with infectious transmittable or contagious plant disease which is an immediate hazard to agricultural operation conducted on adjoining or nearby property.
- (8) Air-Assisted Airless Spray – A coating application system in which the coating fluid is supplied to the gun under fluid pressure and air is combined at the spray cap.

- (9) Air Contaminant or Air Pollutant – Any discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matters, acids or any combination thereof.
- (10) Air-dried Coating – A coating that is cured at a temperature below 90 °C (194 °F).
- (11) Air Pollution Control Officer (APCO) – That person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health and Safety Code §40750 and his or her designee.
- (12) Annual Heat Input – The total Heat Input of fuels, in Btu, burned by a Permit Unit in a calendar year, as determined from the Higher Heating Value (HHV) and cumulative annual usage of each fuel.
- (13) Architectural Coatings – Any coatings applied to stationary structures and their appurtenances; to mobile homes, to pavements, or to curbs.
- (14) Atmosphere – That portion of the air which envelopes or surrounds the earth.
- (15) Baked Coating – Any Coating that is cured at a temperature at or above 90 °C (194 °F).
- (16) Best Available Retrofit Control Technology (BARCT) – an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source.
- (17) Boiler or Steam Generator – Any combustion equipment (fired with any fuel) used to produce steam. Boiler or Steam Generator does not include any waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine.
- (18) Boundaries of the District – That region within California within which these rules are applicable. See Rule 103 – *Description of District Boundaries* for a description of the MDAQMD boundaries.
- (19) Breakdown – A condition other than a normal operating mode caused by a non-preventable mechanical or electrical failure, out of tolerance condition, or accidental occurrence such as fire, explosion, flooding, earthquake, etc.
- (20) California Air Resources Board (CARB) – The California Air Resources Board, the Executive Officer of CARB and his or her authorized representative, the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).
- (21) Capture Efficiency (or Capture System Efficiency) – The portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on control device.
- (22) CARB Certified (Certified by CARB) – A vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code

Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with the particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild the designated CARB certified component.

- (23) Clear Topcoat – A final Coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Including, but not limited to, Varnishes.
- (24) Coating – A material that is applied to a surface and forms a film in order to identify, beautify, protect, convey a message, or minimize detection of such surface. Coating includes, but is not limited to, materials such as Topcoats, stains, Sealers, primers, fillers, conversion Varnish, pigmented Coating, multicolored Coating, moldseal Coating, washcoat and toner.
- (25) Combustible Refuse – Any solid or liquid combustible waste material containing carbon in a free or combined state.
- (26) Combustion Contaminants – Particulate Matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- (27) Compliance Assurance Monitoring – Total equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with Control Device Efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates.
- (28) Compliance Schedule – The date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.
- (29) Compression-Ignited (IC) Internal Combustion Engine – An Internal Combustion Engine with operating characteristics significantly similar to the theoretical diesel combustive cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignited engine.
- (30) Continuous Emissions Monitoring System (CEMS) – All of the equipment that may be required to meet the data acquisition and availability requirements, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.
- (31) Control Device Efficiency – The ratio, in percent, of the weight of the pollutant removed by a control device from the process effluent stream entering the control device compared to the weight of pollutant entering the control device, both measured simultaneously.
- (32) Control Equipment – Air pollution control equipment which eliminates, reduces or controls the issuance of air contaminants.

- (33) Dip Coater – A type of application Equipment that coats an object by submerging the object in a vat of Coating, and subsequently withdrawing the object and draining off the excess Coating.
- (34) District – See Mojave Desert Air Quality Management District.
- (35) Dusts – Minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to, crushing, grinding, milling, drilling, demolition, shoveling, conveying, covering, bagging, grading, leveling, excavation, and sweeping.
- (36) Electrostatic Application – A method of applying Coating whereby atomized paint droplets are charged and subsequently deposited on the substrate by electrostatic attraction.
- (37) Emission Control System Operating Parameters – Any operating parameter(s) that the District deems necessary to analyze for the determination of compliance. Such parameters include, but are not limited to, the reagent flow rate, catalyst temperature, and exhaust gas flow rate.
- (38) Emissions Unit – Any article, machine, equipment, other contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant.
- (39) Enhanced Emissions Monitoring Device – Any automated data recording device or system having both data gathering and retrieval capabilities. Such equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS).
- (40) Equipment – Any article, machine, or other contrivance.
- (41) Excavation – Removal of surface covering, soil, pavement, etc. to expose underground equipment to view or to prepare a subsurface area for future construction.
- (42) Excess Organic Liquid Drainage:
- (a) More than two (2) milliliters of liquid drainage per disconnect from a top loading operation; or
 - (b) More than ten (10) milliliters of liquid drainage from a bottom loading operation. Such liquid drainage shall be determined by computing the average drainage from three (3) consecutive disconnects at any one loading arm.
- (43) Executive Director – The Air Pollution Control Officer. See Air Pollution Control Officer.
- (44) Exempt Compound – Those compounds listed as excluded from the definition of Volatile Organic Compound in 40 CFR 51.100(s).
- (45) Existing Facility – Any Facility operating, constructed or under construction as of the date of adoption of rules related to such facility, unless otherwise specified in the rules.

- (46) Facility – Any Permit Unit, group of Permit Units, non-permitted Equipment, or any combination thereof which:
- (a) Emits or may emit an Air Pollutant; and
 - (b) Belongs to a single major industrial group in the Standard Industrial Classification Manual; and
 - (c) Is located on a single parcel of land or on contiguous or adjacent property within the District; and
 - (d) Which is owned or operated by the same Person or by Persons under common control.
 - (e) For the purpose of this definition, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.
- (47) Federal Ozone Non-Attainment Area (FONA) – That portion of San Bernardino County that lies within the lines which begin at:
- (a) The San Bernardino - Riverside County boundary, running north along the range line common to Range 3 East and Range 2 East;
 - (b) Then west along the township line common to Township 2 North and Township 3 North;
 - (c) Then north along the San Bernardino - Los Angeles County Boundary and the San Bernardino - Kern County Boundary;
 - (d) Then east along latitude 35 degrees, 10 minutes north;
 - (e) Then south along longitude 115 degrees, 45 minutes west, and west along the San Bernardino - Riverside County Boundary.
- (48) Fixed Roof Tanks – A storage tank with a roof that is permanently affixed to the shell of the storage tank.
- (49) Floating Roof Tanks:
- (a) External Floating Roof – A vapor loss control device, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge.
 - (b) Internal Floating Roof – A cover or roof in a fixed roof tank that rests upon or is floated upon the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

- (50) Flow Coater – A Coating application system with no air supplied to the nozzle and where the paint flows over the part and the excess Coating drains back into the collection system.
- (51) Fugitive Dust – Any solid Particulate Matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of persons.
- (52) Fugitive Liquid Leak – A dripping of liquid organic compounds at a rate in excess of three (3) drops per minute from any single leak source other than the disconnect operations of liquid fill line and vapor line.
- (53) Fugitive Vapor Leak – An escape of organic vapors from a source other than the tank truck, trailer or railroad tank car when measured in excess of 3,000 ppm (instrument calibrated with propane) above background at a distance of two (2) centimeters (0.8 inch) from the source for more than ten (10) seconds duration, or equivalent test method as approved in writing by the APCO, CARB and USEPA. (Background is the ambient concentration of organic compounds determined at least three (3) meters upwind of the potential source and uninfluenced by any specific emission source.) A “fugitive vapor leak source” does not include liquid spillage or condensate resulting from “fugitive liquid leaks”.
- (54) Gasoline – Any organic liquid including petroleum distillate and methanol having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline.
- (55) Gasoline Transfer and Dispensing Facility – A mobile system or stationary facility, consisting of one or more storage tanks and associated equipment, which receive, store and dispense gasoline.
- (56) Gasoline Vapors – The organic compounds of gasoline, which exist in a vapor state including, where present, entrained liquid gasoline.
- (57) Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids.
- (58) Grams of VOC Per Liter of Material – The weight of VOC per volume of material.
- (59) Hearing Board – The Hearing Board of the Mojave Desert Air Quality Management District.
- (60) Heat Input – The chemical heat released due to fuel combustion in a Permit Unit, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.
- (61) Higher Heating Value (HHV) – The total heat liberated, including the heat of condensation of water, per mass of fuel burned (Btu per pound) when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to standard conditions.

- (62) High-Volume, Low-Pressure (HVLV) – A coating application system which is operated at air pressures between 0.1 and 10 pounds per square inch gauge (psig) measured dynamically at the center of the air cap and at the air horns.
- (63) Increments of Progress – Steps to be taken by an owner or operator to bring a source of air contaminants into compliance. See definition of “Schedule of Increments of Progress”.
- (64) Ink – A fluid that contains dyes and/or colorants and is used to make markings but not to protect surfaces.
- (65) Liquid Tight – A liquid leak rate of no more than three (3) drops per minute.
- (66) Loading Facility – Any aggregation or combination of organic liquid loading equipment which is under the control of one person at a single location.
- (67) Maximum Rated Capacity – The maximum design heat input of a unit at the highest heating value of the fuel used.
- (68) Mobile Fueler – Any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle fuel tank.
- (69) Mojave Desert Air Quality Management District – The independent special district responsible for all aspects of air quality management as defined in Health and Safety Code §39038.3 and created pursuant to Chapter 13 (commencing with §41200) of Part 3, within that region of California within the boundaries as defined in Rule 103. See Rule 103 – *Description of District Boundaries*.
- (70) Motor Vehicle – Any self-propelled vehicle, including, but not limited to cars, trucks, buses, golf carts, vans, motorcycles, recreational vehicles, tanks, and armored personnel carriers as defined in Sections 415 and/or 670 of the California Vehicle Code. See Registered Motor Vehicle.
- (71) Multi-Color(ed) Coating – A Coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.
- (72) Multiple Chamber Incinerator – Any Equipment, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts.
- (73) Non-Absorbent Container – A container made of non-porous material that does not allow the migration of Solvents through it.
- (74) Oil-Effluent Water Separator – Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

- (75) Operator – That person in charge of a particular operation subject to air pollution control. See definition of “Owner”.
- (76) Organic Liquid – Any compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions.
- (77) Organic Materials – Chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- (78) Organic Solvents – Includes diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials exhibiting a boiling point higher than 104 °C (219 °F) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 104 °C (219 °F).
- (79) Overall Control Efficiency (CE) – The ratio of the weight of a Regulated Air Pollutant removed by an emission control system to the total weight of that Regulated Air Pollutant emitted from a controlled operation, both measured simultaneously.
- (80) Owner – That person ultimately responsible for a particular operation. “Owner/Operator” refers to any person who owns, leases, operates, controls, or supervises a stationary source. See definition of “Person”.
- (81) Oxides of Nitrogen (NO_x) – The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as nitrogen dioxide (NO₂).
- (82) Particulate Matter (PM) – Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (83) Particulate Matter (PM₁₀) – Particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included.
- (84) Particulate Matter (PM_{2.5}) – Particulate Matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included.
- (85) Parts per Million (ppm) – Parts per million.
- (86) Parts per Million by Volume (ppmv) – The number of gas molecules of a given species, or group, in one million total gas molecules.
- (87) Parts per Million by Weight (ppmw) – The mass or weight of a component substance relative to the mass or weight of the total substance including all components, specified as a ratio with one million mass or weight units in the denominator (i.e. grams per megagram or pounds per million pounds).

- (88) Permit Unit – Any Emissions Unit or equipment which is required to have a Permit to Operate pursuant to District Rule 203 – *Permit to Operate*.
- (89) Person – Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. Person also means the United States or its agencies to the extent authorized by Federal Law.
- (90) Photochemically Reactive Solvent – Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:
- (a) A combination of hydrocarbons, alcohols, aldehydes, ethers, esters or ketones having an olefinic or cycloolefinic type of unsaturation except perchloroethylene; five (5) percent;
 - (b) A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except ethylbenzene, methyl benzoate and phenyl acetate: eight (8) percent; or,
 - (c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

- (91) Potential to Emit (PTE) – The maximum capacity of a Facility to emit any air pollutant under its physical and operational design. Calculation methods, inclusions and exclusions are program specific and can be found in other District Rules.

- (92) Precursor – A substance which, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following:

<u>Precursors</u>	<u>Secondary Pollutants</u>
Ammonia	(a) PM ₁₀ and PM _{2.5}
Hydrocarbons and substituted hydrocarbons (Reactive Organic Compounds and Volatile Organic Compounds)	(a) Photochemical oxidant (ozone, O ₃) (b) The organic fraction of PM ₁₀ and PM _{2.5}
Nitrogen oxides (NO _x)	(a) Nitrogen dioxide (NO ₂) (b) The nitrate fraction of PM ₁₀ and PM _{2.5} (c) Photochemical oxidant (ozone, O ₃)
Sulfur oxides (SO _x)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}
Hydrogen Sulfide (H ₂ S)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}

- (93) Predictive Emissions Monitoring System (PEMS) – The equipment necessary to monitor process and Emission Control Equipment operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.
- (94) Pressure/Vacuum Relief Valve – A valve that is installed on the vent pipes of storage tanks to relieve pressure or vacuum build-up at preset values of pressure or vacuum.
- (95) Process Weight – The total weight of all materials introduced into any specific process which may discharge contaminants into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and air will not.
- (96) Process Weight per Hour – The total process weight divided by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- (97) Rated Brake Horsepower – The continuous brake horsepower rating specified for the engine by the manufacturer or listed on the nameplate of the unit, unless otherwise physically limited and specified by a condition on the engine's permit or District registration.

- (98) Rated Heat Input – The Heat Input capacity (in MMBtu/hr) specified on the nameplate of the unit, unless:
- (a) The unit is limited by permit condition to a lesser Heat Input than specified on the nameplate, in which case the limiting condition shall be used as the Rated Heat Input; or
 - (b) The unit is operated above the Heat Input capacity specified on the nameplate, in which case the maximum operated rate shall be used as the Rated Heat Input.
- (99) Reasonably Available Control Technology (RACT) – The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- (100) Receptor Area – That specified geographic area in which the air contaminants emitted from a source area are present or to which they may be transported.
- (101) Reduction of Animal Matter – Any heated process used for rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of animal matter.
- (102) Registered Motor Vehicle – Any motor vehicle which is registered or requires registration for use on the highway.
- (103) Regulated Air Pollutant – Any Air Pollutant that is subject to the provisions of State or Federal law or the regulations promulgated thereunder. Inclusion and exclusions of particular Air Pollutants are program specific and can be found in other District Rules.
- (104) Regulation – Any of the major subdivisions of the Rules of the Mojave Desert Air Quality Management District.
- (105) Repair Coating – A Coating used to re-coat portions of a product which has sustained mechanical damage to the Coating following normal painting operations.
- (106) Retail Gasoline Station – Any motor vehicle refueling facility subject to payment of California sales tax on gasoline sales.
- (107) Roll Coater – A type of application Equipment in which a series of mechanical rollers form a thin Coating film on the surface of a roller, which is subsequently applied to a substrate by moving the substrate underneath the roller.
- (108) Rule – A rule of the Mojave Desert Air Quality Management District.
- (109) Schedule of Increments of Progress – A statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:
- (a) The date of submittal of the final plan for the control of emissions of air contaminants from that source to the District.

- (b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
 - (c) The date of initiation of on-site construction or installation of emission control equipment or process change.
 - (d) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
 - (e) The date by which final compliance is to be achieved.
 - (f) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.
- (110) Solid Particulate Matter – Particulate matter which exists as a solid at standard conditions.
- (111) Solvent – Any liquid containing a Volatile Organic Compound or combination of Volatile Organic Compounds, which is used as a diluent, thinner, dissolver, viscosity reducer, cleaning agent, or for other similar uses. A Solvent may be a single compound or a blend of two (2) or more compounds.
- (112) Source Area – That specified geographic area in which air contaminants are emitted.
- (113) South Coast Air Quality Management District (SCAQMD) – The air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400).
- (114) Stain – Coatings which are formulated to change the color of a surface but not completely conceal the surface, so that the grain is still visible.
- (115) Standard Conditions – A gas temperature of 15.5 °C (60 °F) and a gas pressure of 760 mm Hg (14.7 pounds per square inch) absolute.
- (116) Stripper – A liquid used to remove cured Coatings, cured Inks and/or cured Adhesives.
- (117) Submerged Fill Loading – A type of process for organic liquid loading, where the discharge opening is completely submerged below the liquid level, when the height of that liquid when measured is above the bottom of the vessel at eight centimeters (3.2 inches) or higher.
- (118) Submerged Fill Pipe:
- (a) Top Loading – Any fill pipe where the discharge opening is completely submerged when the liquid level is 15 centimeters six (6) inches above the bottom of the container.

- (b) Side Loading – Any fill pipe where the discharge opening is entirely submerged when the liquid level is 45 centimeters (18 inches) above the bottom of the container.
- (119) Switch Loading – A transfer of organic liquids with a vapor pressure of less than 77.5 mm HG (1.5 psia) under actual loading condition into any tank truck, trailer or railroad tank car that was previously loaded with an organic liquid with a vapor pressure of 77.5 mm HG (1.5 psia) or greater.
- (120) Tank Replacement – The removal and installation of a new or another storage tank.
- (121) Throughput – The mass or volume of a material or substance that is handled, or processed by a system in a given time period, such as gallons per year, tons per hour, etc.
- (122) Touch-Up – Any coating operation used to cover minor imperfections appearing after the main coating operation.
- (123) Transfer Efficiency – The ratio of the weight or volume of Coating solids adhering to an object to the total weight or volume, respectively, of Coating solids used in the application process, expressed as a percentage.
- (124) True Vapor Pressure – The equilibrium partial vapor pressure exerted by an organic liquid at actual storage temperature.
- (125) United States Environmental Protection Agency (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (126) Vapor Recovery System – A system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of storage, transferring and/or disposal of the recovered vapors.
- (127) Vapor Recovery System Efficiency – The estimated efficiency of the air pollution control technology which is incorporated, by means of an enforceable permit condition(s). Emission reductions attributed to lowering throughput rates or curtailing operating hours shall not be considered in determining abatement efficiency.
- (128) Vehicle – A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
- (129) Volatile Organic Compound (VOC) – Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and Exempt Compounds.

[SIP: See SIP Table at <http://www.mdaqmd.ca.gov>]

This page intentionally left blank.

Mojave Desert
Air Quality Management District



Final
Staff Report
Amendments to
Rule 102 – *Definition of Terms*

Amended on
January 22, 2018

14306 PARK AVE, VICTORVILLE, CA 92392-2310
PHONE: (760) 245-1661
FAX: (760) 245-2699

This page intentionally left blank.

STAFF REPORT
TABLE OF CONTENTS
Rule 102 – Definition of Terms

I.	PURPOSE OF STAFF REPORT	1
II.	EXECUTIVE SUMMARY	1
III.	STAFF RECOMMENDATION	1
IV.	LEGAL REQUIREMENTS CHECKLIST	2
V.	DISCUSSION OF LEGAL REQUIREMENTS	3
A.	REQUIRED ELEMENTS/FINDINGS.....	3
1.	State Findings Required for Adoption of Rules & Regulations	3
a.	Necessity	3
b.	Authority	3
c.	Clarity	3
d.	Consistency	3
e.	Nonduplication.....	3
f.	Reference	4
g.	Public Notice & Comment, Public Hearing.....	4
2.	Federal Elements (SIP Submittals, Other Federal Submittals).....	4
a.	Satisfaction of Underlying Federal Requirements	4
b.	Public Notice and Comment	4
c.	Availability of Document	4
d.	Notice to Specified Entities	5
e.	Public Hearing	5
f.	Legal Authority to Adopt and Implement	5
g.	Applicable State Laws and Regulations Were Followed.....	5
B.	WRITTEN ANALYSIS OF EXISTING REQUIREMENTS	5
C.	ECONOMIC ANALYSIS	5
1.	General.....	5
2.	Incremental Cost Effectiveness	6
D.	ENVIRONMENTAL ANALYSIS (CEQA).....	6
E.	SUPPLEMENTAL ENVIRONMENTAL ANALYSIS	6
1.	Potential Environmental Impacts.....	6
2.	Mitigation of Impacts	6
3.	Alternative Methods of Compliance.....	6
F.	PUBLIC REVIEW	7
VI.	TECHNICAL DISCUSSION	7
A.	SOURCE DESCRIPTION.....	7
B.	EMISSIONS	7
C.	CONTROL REQUIREMENTS.....	7
D.	PROPOSED RULE SUMMARY	7
E.	FCAA 110(l) (42 U.S.C. §7410(l)) ANALYSIS	7
F.	SIP HISTORY	8
1.	SIP History	8
a.	SIP in the San Bernardino County Portion of MDAQMD	8

b. SIP in the Riverside County Portion of the MDAQMD	9
2. SIP Analysis	10
Appendix A - Iterated Version.....	A-1
Appendix B - Public Notice Documents.....	B-1
Appendix C - Public Comments and Responses.....	C-1
Appendix D - California Environmental Quality Act Documentation	D-1
Appendix E - Bibliography	E-1

List of Acronyms

BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NO _x	Oxides of Nitrogen
RACT	Reasonably Available Control Technology
RFP	Reasonable Further Progress
SBCAPCD	San Bernardino County APCD
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

This page intentionally left blank.

STAFF REPORT

Rule 102 – Definition of Terms

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 102 – *Definition of Terms* for inclusion in the current rulebook.

Many terms are defined in multiple district rules. Staff has determined that the rulebook will be more clear and consistent by shifting common definitions to Rule 102 and updating many definitions for consistency. This rule is proposed for amendment at this time due to related changes in Rules 1114 – *Wood Products Coating Operations*, Rule 1157 – *Boilers and Process Heaters*, and 1161 – *Portland Cement Kilns*.

The amendment of Rule 102 – *Definitions of Terms* will be an ongoing process. Rule 102 will continue to be updated as needed when other District rules are proposed for amendment and contain definitions that need to be moved.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) amend proposed Rule 102 – *Definition of Terms* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to streamline the District rulebook.

The Governing Board of the Mojave Desert Air Quality Management District amended Rule 102 – *Definition of Terms* at the January 22, 2018 Governing Board Meeting.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 102 – *Definition of Terms*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Nonduplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

- N/A Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- N/A Exemption
- X Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- X Written analysis of existing air pollution control requirements
- N/A Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the amendments to Rule 102 – *Definition of Terms*. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

a. Necessity:

The amendments to Rule 102 are necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

b. Authority:

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The amendments to Rule 102 are clear in that they are written so that the persons subject to the rule can easily understand the meaning because definitions have been consolidated and updated for consistency.

d. Consistency:

The amendments to Rule 102 are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions.

e. Nonduplication:

The amendments to Rule 102 do not impose the same requirements as any existing state or federal law or regulation because existing rulebook definitions have been consolidated and updated for consistency.

f. Reference:

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendments to Rule 102 was published December 22, 2017. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law that requires the submittal. The information below indicates which elements are required for the proposed amendments to Rule 102 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendments to Rule 102 are subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 102 is included in the MDAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0. In addition, FCAA §110(l) (42 U.S.C. 7410(l)) requires that any rule action which might possibly be construed as a relaxation of a requirement provide a demonstration that the change not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP). Please see subsection (VI)(E) below for the applicable demonstration.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 102 was published December 22, 2017. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amendments to Rule 102 and the accompanying draft staff report were made available to the public on December 4, 2017. The proposed amendments were reviewed by the Technical Advisory Committee (TAC) on January 9, 2017, a committee consisting of a variety of regulated industry and local governmental entities. It was the consensus of the TAC to

recommend submittal of Rule 102 to the Governing Board for adoption.

d. Notice to Specified Entities:

Copies of the proposed amendments to Rule 102 and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) on December 4, 2017.

e. Public Hearing:

A public hearing to consider the proposed amendments to Rule 102 was held on January 22, 2018.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Subsection (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Subsection (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Subsection (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Subsection (V)(D) below for compliance with provisions of the CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. Rule 102 does not impose any air pollution control requirements as the rule simply contains definitions for District rules. Therefore the preparation of a written analysis of existing air pollution control requirements that apply to the same equipment or source type is not required.

C. ECONOMIC ANALYSIS

1. General

The amendments to Rule 102 will not have an adverse economic impact on the entities subject to the proposed rule. This rule simply consolidates and clarifies existing common definitions in the District rulebook into one definition rule.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NOx) or oxides of sulfur (SOx).

The proposed amendment of Rule 102 is not subject to incremental cost effectiveness calculations because this rule does not impose BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 102 was determined.

1. The amendments to Rule 102 meet the CEQA definition of “project”. They are not “ministerial” actions.

2. The amendments to Rule 102 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing common definitions in the District rulebook into one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Subsection (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The definitions in Rule 102 apply to all rules in the District rulebook except when a term is otherwise defined in a specific rule or regulation.

B. EMISSIONS

The amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing common definitions in the District rulebook in one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

C. CONTROL REQUIREMENTS

There are no control requirements in the amendments to Rule 102.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 102.

Please refer to the iterated version of Rule 102 in Appendix “A” of this Staff Report for any formatting changes, additions, deletions and changes to definitions.

Underlined text identifies new or revised language.

~~Lined out~~ text identifies language which is being deleted.

Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.

[Bracketed italicized text] is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

E. FCAA 110(l) (42 U.S.C. §7410(l)) ANALYSIS

Rule 102 was originally adopted 01/07/76, and subsequently amended 10/08/76, 01/01/77, 02/01/77, 07/25/77, 12/19/88, 06/12/17 and 10/23/17. The SIP approved version of Rule 102 is the 12/19/1988, fully approved on 11/27/1990 (55 FR 49281; 40 CFR 52.220(c)(179)(i)(B)). The SIP approved version of Rule 102 for the Blythe/Paloverde Valley area of Riverside County appears to be whichever is the latest

version approved in 1978 at 40 CFR 52.220(c)(41)(xiv)(A), 52.220(c)(42)(xiv)(A), or 52.220(c)(44)(v)(A).

The 110(l) analysis will be based on the differences between the 12/19/88 MDAQMD amendment, the 11/04/77 SCAQMD amendment, and the current proposed amendment.

Certain definitions are contained in multiple District rules, and are exact or near exact duplicates of each other. Pursuant to Governing Board direction regarding streamlining, the Air Pollution Control Officer (APCO) has determined that shifting common definitions to Rule 102 and updating them for consistency will improve clarity. Concurrent with scheduled rule amendments, these definitions have been relocated to District 102. Changes in definitions are more current and specific; therefore not a relaxation.

No part of the rule has been omitted, except those sections are no longer necessary, or are defined elsewhere more appropriately. Updated definitions are more current and specific, often changed at the request of USEPA. These changes and updates do not relax, but rather strengthen, the rule. Shifting definitions from other District rules is administrative in nature, and not a relaxation.

F. SIP HISTORY

1. SIP History.

a. SIP in the San Bernardino County Portion of MDAQMD

Rule 102 was originally adopted on 01/07/76 by the Southern California Air Pollution Control District (So.Cal.APCD) which was created by a Joint Powers Agreement (JPA) between Los Angeles, Orange, Riverside and San Bernardino Counties to replace the previous county-wide air pollution control districts for those counties. The rule was subsequently amended on 10/08/76. On 02/01/77, pursuant to statute (Cal. Stats. 1976, Ch 324 p. 815) the South Coast Air Quality Management District (SCAQMD) was created with an initial jurisdiction that only included areas of Los Angeles, Orange, Riverside and San Bernardino Counties contained within the South Coast Air Basin (SCAB). Outlying areas remained under the So. Cal. APCD. Also on 02/01/77 the California Air Resources Board (CARB) issued Executive Order G-73 (1977) which adopted a “rule book” for those non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties. CARB submitted the Executive Order G-73 (1977) rulebook on behalf of the “county” districts and these rule books included Rule 102. Rule 102 was allegedly partially disapproved as a SIP revision on 8/5/1977 (40 CFR 52.236(e)(4)) and then approved into the SIP on 6/14/1978 (43 FR 25684; 40 CFR 52.220(c)(37)(i)(A)).

By its terms Executive Order G-73 (1977) was only effective until the non-SCAB areas took other action. On 02/22/77 the JPA forming the So.Cal.APCD was formally dissolved. By the terms of the JPA upon dissolution each county would regain its county air pollution control district with a jurisdiction of the non-SCAB areas of the county and the applicable rules being the So.Cal.APCD's rules in effect upon the date of dissolution. Thus, as of 02/22/77 the version of Rule 102 for the San Bernardino County APCD (SBCAPCD) reverted from the G-73 (1977) CARB version back to the original So.Cal.APCD 10/08/76 version.

On 07/25/77 the SBCAPCD readopted its rulebook including Rule 102. It was submitted on 11/4/1977 for inclusion into the SIP. It was partially disapproved on 12/21/1978 (43 FR 59489; 40 CFR 52.220(c)(42)(xiii)(A) and 52.228 (b)(1)(iv)). The action retained various definitions belonging to then rescinded Regulation VI – *Orchard and Citrus Grove Heaters* and disapproving the definitions “fugitive liquid leak” and “fugitive vapor leak.” Rule 102 was subsequently amended on 12/19/1988, submitted as a SIP revision and fully approved on 11/27/1990 (55 FR 49281; 40 CFR 52.220(c)(179)(i)(B)).

On 07/01/93 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Therefore, the current (12/19/1988) version is the one contained in the SIP.

The MDAQMD amended Rule 102 on 06/12/2017 and this version was submitted by CARB to USEPA as a SIP revision on 08/09/2017. Rule 102 was subsequently amended on 10/23/17. This current amendment will supersede the prior submittal.

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislation which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left the SCAQMD and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by

USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

The So.Cal.APCD version of Rule 102 as originally adopted 01/07/1976 and amended on 10/8/1976 and was also effective in Riverside County. In an interesting twist the Executive Order G-73 (1977) rulebook for Riverside County (submitted on the same day 2/10/1977 and in the same submission) was approved without reservation on 6/14/1978 (43 FR 25684; 40 CFR 52.220(c)(37)(i)(A)).

As of 01/01/78 the non-SCAB portions of Los Angeles, Riverside and San Bernardino Counties were allowed to “opt in” to SCAQMD (Cal Stats 1977 Ch 1195 pg. 4005). Both Los Angeles and Riverside counties did so while San Bernardino County did not. SCAQMD amended Rule 102 on both 04/01/1977 and 09/02/1977 (pre Riverside County “opt in”) and submitted it as a SIP revision for its jurisdiction, which at that point DID NOT legally include the desert portions Riverside County, on 10/31/1977 and 11/4/1977. Approvals for these versions apparently occurred in 1978 (See 40 CFR 52.220(c)(41)(xiv)(A); 52.220(c)(42)(xiv)(A); and 52.220(c)(44)(v)(A)). After the inclusion of the non-SCAB portions of Riverside County, SCAQMD amended Rule 102 two more times on November 4, 1988 and July 9, 1993 presumably submitting them to USEPA as SIP revisions each time. It is unclear as to the result of these two submissions. Given this uncertainty the current SIP rule for the Blythe/Paloverde Valley area of Riverside County appears to be whichever is the latest version approved in 1978 at 40 CFR 52.220(c)(41)(xiv)(A), 52.220(c)(42)(xiv)(A), or 52.220(c)(44)(v)(A).

The MDAQMD amended Rule 102 on 06/12/2017 and this version was submitted by CARB to USEPA as a SIP revision on 08/09/2017. Rule 102 was subsequently amended on 10/23/17. This current amendment will supersede the prior submittal.

2. SIP Analysis.

The District will request CARB to submit to USEPA the proposed amendments to Rule 102 to replace the SIP versions in effect in the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside

County. The District also requests removal of all prior versions of Rule 102 from the Blythe/Palo Verde Valley portion of the MDAQMD, and that the Region IX SIPs webpage be updated to reflect the appropriate SIP information.

All the definitions proposed to be moved into Rule 102 or updated have been derived from either existing SIP rules or from SIP pending rules. Cross references to such rules have been provided in the *[bracketed italicized]* notes contained in the redline version of the rule located in Appendix “A” of this Staff Report. Specific source material for particular definitions will be provided upon request.

This page intentionally left blank.

Appendix “A”

Rule 102 – *Definition of Terms* Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

This page intentionally left blank.

Rule 102

Definition of Terms

The definitions contained in this Rule shall apply to all rules within this Rulebook except when a term is otherwise provided in a specific rule or regulation.

- (1) Actual Emissions – The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be calculated using the verified actual operating hours; production rates; and types of materials processed, stored or combusted as applicable.
- (2) Adhesive – Any substance that is used to bond one surface to another by attachment. *[Derived from Rules 1106, 1113, 1114, 1117, 1118.]*
- (3) Aerosol Coating Product – A pressurized Coating product that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application. *[Derived from Rules 442, 1106, 1113, 1114, 1116, 1117]*
- (24) Aggregate Emissions – A facility-wide sum of Actual Emissions, on an emissions category specific basis, from emission units operated at a single facility.
- (35) Agricultural Burning – Open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.
- (46) Agricultural Operations – Any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowls or animals for the primary purpose of making profit or for a livelihood, including the growing and harvesting of crops or the raising of fowl or animals, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.
- (57) Agricultural Wastes – Unwanted or unsalable materials produced wholly from Agricultural Operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. The term does not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by open outdoor fire is ordered by the County or State Agricultural Commissioner upon his determination that the waste is infested with infectious transmittable or contagious plant disease which is an immediate hazard to agricultural operation conducted on adjoining or nearby property.

- ~~(6) Air Pollution Control Officer (APCO) – That person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health and Safety Code §40750 and his or her designee. *[Correct alphabetizing.]*~~
- (8) Air-Assisted Airless Spray – A coating application system in which the coating fluid is supplied to the gun under fluid pressure and air is combined at the spray cap *[Derived from Rules 1114, 1162.]*
- ~~(79)~~ Air Contaminant or Air Pollutant – Any discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matters, acids or any combination thereof.
- (810) Air-dried Coating – A coating that is cured at a temperature below 90 °C (194 °F).
- ~~(11)~~ Air Pollution Control Officer (APCO) – That person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health and Safety Code §40750 and his or her designee. *[Correct alphabetizing.]*
- (912) Annual Heat Input – The total Heat Input of fuels, in Btu, burned by a Permit Unit in a calendar year, as determined from the Higher Heating Value (HHV) and cumulative annual usage of each fuel.
- ~~(4013)~~ Architectural Coatings – Any coatings applied to stationary structures and their appurtenances; to mobile homes, to pavements, or to curbs.
- ~~(4114)~~ Atmosphere – That portion of the air which envelopes or surrounds the earth.
- ~~(4215)~~ Baked Coating – Any Coating that is cured at a temperature at or above 90 °C (194 °F).
- (16) Best Available Retrofit Control Technology (BARCT) – an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source. *[Moved from Rule 1157.]*
- ~~(4317)~~ Boiler or Steam Generator – Any combustion equipment (fired with any fuel) used to produce steam. Boiler or Steam Generator does not include any waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine.
- ~~(4418)~~ Boundaries of the District – That region within California within which these rules are applicable. See Rule 103 – *Description of District Boundaries* for a description of the MDAQMD boundaries.
- ~~(4519)~~ Breakdown – A condition other than a normal operating mode caused by a non-preventable mechanical or electrical failure, out of tolerance condition, or accidental occurrence such as fire, explosion, flooding, earthquake, etc.

- (1620) California Air Resources Board (CARB) – The California Air Resources Board, the Executive Officer of CARB and his or her authorized representative, the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).
- (1721) Capture Efficiency (or Capture System Efficiency) – The portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on control device.
- ~~(18) Carbon Monoxide (CO) – A colorless, odorless gas resulting from the incomplete combustion of hydrocarbon fuels. [Definition removed because the term is commonly understood, and other compounds might also meet the definition as currently defined. Revision suggested per USEPA comment letter 9/25/17. Definition was derived from 17 CCR 93115.4(a)(10).]~~
- (1922) CARB Certified (Certified by CARB) – A ~~Phase I or Phase II~~ vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with the particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild the designated CARB certified component. *[Definition modified pursuant to USEPA comment of 9/25/17. Inclusion of the reference to Phase I and Phase II is not appropriate for Rule 462.]*
- ~~(20) Certified Vapor Recovery System – A system to limit emissions of gasoline which has been certified by the California Air Resources Board in accordance with specific criteria listed within the California Administrative Code. [Deleted as a redundant definition to “Carb Certified” above. Rules 461, 462 and 463 will be verified for consistency with proposed terminology.]~~
- (23) Clear Topcoat – A final Coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Including, but not limited to, Varnishes. *[Derived from Rules 1106, 1114, 1118.]*
- (2424) Coating – A material that is applied to a surface and forms a film in order to identify, beautify, protect, convey a message, or minimize detection of such surface. Coating includes, but is not limited to, materials such as Topcoats, stains, Sealers, primers, fillers, conversion Varnish, pigmented Coating, multicolored Coating, moldseal Coating, washcoat and toner.
- (2225) Combustible Refuse – Any solid or liquid combustible waste material containing carbon in a free or combined state.

- | (2326) Combustion Contaminants – Particulate Matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

- | (27) Compliance Assurance Monitoring -- Total equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with Control Device Efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates. [Derived from Rules 1106, 1114, 1115, 1118.]

- | (2428) Compliance Schedule – The date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.

- | (2529) Compression-Ignited (IC) Internal Combustion Engine – An Internal Combustion Engine with operating characteristics significantly similar to the theoretical diesel combustive cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignited engine.

- | (2630) Continuous Emissions Monitoring System (CEMS) – All of the equipment that may be required to meet the data acquisition and availability requirements, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

- | (2731) Control Device Efficiency – The ratio, in percent, of the weight of the pollutant removed by a control device from the process effluent stream entering the control device compared to the weight of pollutant entering the control device, both measured simultaneously.

- | (2832) Control Equipment – Air pollution control equipment which eliminates, reduces or controls the issuance of air contaminants.

- | (2933) Dip Coater – A type of application Equipment that coats an object by submerging the object in a vat of Coating, and subsequently withdrawing the object and draining off the excess Coating.

- | (3034) District – See Mojave Desert Air Quality Management District.

- | (3135) Dusts – Minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to, crushing, grinding, milling, drilling, demolition, shoveling, conveying, covering, bagging, grading, leveling, excavation, and sweeping.

- | ~~(32) Enhanced Emissions Monitoring Device – Any automated data recording device or system having both data gathering and retrieval capabilities. Such equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS). [Correct alphabetizing.]~~

- | (3336) Electrostatic Application – A method of applying Coating whereby atomized paint droplets are charged and subsequently deposited on the substrate by electrostatic attraction.

(~~34~~37) Emission Control System Operating Parameters – Any operating parameter(s) that the District deems necessary to analyze for the determination of compliance. Such parameters include, but are not limited to, the reagent flow rate, catalyst temperature, and exhaust gas flow rate.

(~~35~~38) Emissions Unit – Any article, machine, equipment, other contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant.

(39) Enhanced Emissions Monitoring Device – Any automated data recording device or system having both data gathering and retrieval capabilities. Such equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS). [Correct alphabetizing.]

(~~36~~40) Equipment – Any article, machine, or other contrivance.

(~~37~~41) Excavation – Removal of surface covering, soil, pavement, etc. to expose underground equipment to view or to prepare a subsurface area for future construction.

(~~38~~42) Excess Organic Liquid Drainage

- (a) More than two (2) milliliters of liquid drainage per disconnect from a top loading operation; or
- (b) More than ten (10) milliliters of liquid drainage from a bottom loading operation. Such liquid drainage shall be determined by computing the average drainage from three (3) consecutive disconnects at any one loading arm.

(~~39~~43) Executive Director – The Air Pollution Control Officer. See Air Pollution Control Officer.

(~~40~~44) Exempt Compound – Those compounds listed as excluded from the definition of Volatile Organic Compound in 40 CFR 51.100(s).

(~~41~~45) Existing Facility – Any Facility operating, constructed or under construction as of the date of adoption of rules related to such facility, unless otherwise specified in the rules.

(~~42~~46) Facility – Any Permit Unit, group of Permit Units, non-permitted Equipment, or any combination thereof which

- (a) Emits or may emit an Air Pollutant; and
- (b) Belongs to a single major industrial group in the Standard Industrial Classification Manual; and
- (c) Is located on a single parcel of land or on contiguous or adjacent property within the District; and

- (d) Which is owned or operated by the same Person or by Persons under common control.
- (e) For the purpose of this definition, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.

(4347) Federal Ozone Non-Attainment Area (FONA) – That portion of San Bernardino County that lies within the lines which begin at:

- (a) The San Bernardino - Riverside County boundary, running north along the range line common to Range 3 East and Range 2 East;
- (b) Then west along the township line common to Township 2 North and Township 3 North;
- (c) Then north along the San Bernardino - Los Angeles County Boundary and the San Bernardino - Kern County Boundary;
- (d) Then east along latitude 35 degrees, 10 minutes north;
- (e) Then south along longitude 115 degrees, 45 minutes west, and west along the San Bernardino - Riverside County Boundary.

(4448) Fixed Roof Tanks – A storage tank with a roof that is permanently affixed to the shell of the storage tank.

(4549) Floating Roof Tanks:

- (a) External Floating Roof – A vapor loss control device, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge.
- (b) Internal Floating Roof – ~~A vapor loss control device consisting of a fixed roof with an internal floating-type cover which prevents the release or emission to the atmosphere of organic vapors or gases at an efficiency equivalent to an approved External Floating Roof closure device~~ A cover or roof in a fixed roof tank that rests upon or is floated upon the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell. [Derived from EPA “Model Volatile Organic Compound Rules for Reasonably Available Control Technology”, June 1992, pursuant to EPA comment.]

(4650) Flow Coater – A Coating application system with no air supplied to the nozzle and where the paint flows over the part and the excess Coating drains back into the collection system.

- (~~47~~51) Fugitive Dust – Any solid Particulate Matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of ~~man~~persons. *[Gender neutral term used pursuant to EPA comment.]*
- (~~48~~52) Fugitive Liquid Leak – A dripping of liquid organic compounds at a rate in excess of three (3) drops per minute from any single leak source other than the disconnect operations of liquid fill line and vapor line.
- (~~49~~53) Fugitive Vapor Leak – An escape of organic vapors from a source other than the tank truck, trailer or railroad tank car when measured in excess of 3,000 ppm (instrument calibrated with propane) above background at a distance of two (2) centimeters (0.8 inch) from the source for more than ten (10) seconds duration, or equivalent test method as ~~determined~~approved in writing by the APCO, CARB and USEPA. (Background is the ambient concentration of organic compounds determined at least three (3) meters upwind of the potential source and uninfluenced by any specific emission source.) A “fugitive vapor leak source” does not include liquid spillage or condensate resulting from “fugitive liquid leaks”. *[Pursuant to EPA comments, USEPA and CARB added for requirement of equivalent test method approval. Approval makes rule more clear and enforceable.]*
- (~~50~~54) Gasoline – Any organic liquid including petroleum distillate and methanol having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline.
- (~~51~~55) Gasoline Transfer and Dispensing Facility – A mobile system or stationary facility, consisting of one or more storage tanks and associated equipment, which receive, store and dispense gasoline.
- (~~52~~56) Gasoline Vapors – The organic compounds of gasoline, which exist in a vapor state including, where present, entrained liquid gasoline.
- (~~57~~) Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids. *[See Rules 1106, 1114, 1116, 1117.]*
- (~~58~~) Grams of VOC Per Liter of Material – The weight of VOC per volume of material. *[See Rule 1106, 1114, 1116, 1117, 1162.]*
- (~~53~~59) Hearing Board – The Hearing Board of the Mojave Desert Air Quality Management District.
- (~~54~~60) Heat Input – The chemical heat released due to fuel combustion in a Permit Unit, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.
- (~~55~~61) Higher Heating Value (HHV) – The total heat liberated, including the heat of condensation of water, per mass of fuel burned (Btu per pound) when fuel and dry air at

standard conditions undergo complete combustion and all resultant products are brought to standard conditions.

- | (~~5662~~) High-Volume, Low-Pressure (HVL) – A coating application system which is operated at air pressures between 0.1 and 10 pounds per square inch gauge (psig) measured dynamically at the center of the air cap and at the air horns.
- | (~~5763~~) Increments of Progress – Steps to be taken by an owner or operator to bring a source of air contaminants into compliance. See definition of “Schedule of Increments of Progress”.
- | (~~64~~) Ink – A fluid that contains dyes and/or colorants and is used to make markings but not to protect surfaces. *[Derived from 1114, 1117.]*
- | (~~5865~~) Liquid Tight - A liquid leak rate of no more than three (3) drops per minute.
- | (~~5966~~) Loading Facility – Any aggregation or combination of organic liquid loading equipment which is under the control of one person at a single location.
- | (~~67~~) Maximum Rated Capacity – The maximum design heat input of a unit at the highest heating value of the fuel used. *[Derived from Rule 1161.]*
- | (~~6068~~) Mobile Fueler – Any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle fuel tank.
- | (~~6469~~) Mojave Desert Air Quality Management District – The independent special district responsible for all aspects of air quality management as defined in Health and Safety Code §39038.3 and created pursuant to Chapter 13 (commencing with §41200) of Part 3, within that region of California within the boundaries as defined in Rule 103. See Rule 103 – *Description of District Boundaries*.
- | (~~6270~~) Motor Vehicle – Any self-propelled vehicle, including, but not limited to cars, trucks, buses, golf carts, vans, motorcycles, recreational vehicles, tanks, and armored personnel carriers as defined in Sections 415 and/or 670 of the California Vehicle Code. See Registered Motor Vehicle.
- | (~~71~~) Multi-Color (ed) Coating – A Coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat. *[Derived from Rules 1113, 1114, 1116.]*
- | (~~6372~~) Multiple Chamber Incinerator – Any Equipment, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts.
- | (~~6473~~) Non-Absorbent Container – A container made of non-porous material that does not allow the migration of Solvents through it.

- (~~6574~~) Oil-Effluent Water Separator – Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- (~~6675~~) Operator – That person in charge of a particular operation subject to air pollution control. See definition of “Owner”.
- (~~6776~~) Organic Liquid – Any compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions.
- (~~6877~~) Organic Materials – Chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- (~~6978~~) Organic Solvents – Includes diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials exhibiting a boiling point higher than 104 °C (219 °F) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 104 °C (219 °F).
- (~~7079~~) Overall Control Efficiency (CE) – The ratio of the weight of a Regulated Air Pollutant removed by an emission control system to the total weight of that Regulated Air Pollutant emitted from a controlled operation, both measured simultaneously.
- (~~7180~~) Owner – That person ultimately responsible for a particular operation. Typically, “Owner/Operator” refers to any person ~~in control or responsible for operations subject to air pollution control~~ who owns, leases, operates, controls, or supervises a stationary source. See definition of “Person”. *[Derived from CAA §112(a)(9), updated in response to USEPA comment.]*
- (~~7281~~) Oxides of Nitrogen (NO_x) – The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as nitrogen dioxide (NO₂).
- (~~7382~~) Particulate Matter (PM) – Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (~~7483~~) Particulate Matter (PM₁₀) – Particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers. ~~Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included as measured by a reference method based on appendix J of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method.~~ *[Definition revised to include gaseous emissions as requested. References to 40 CFR 50 appendix J removed.]*
- (~~7584~~) Particulate Matter (PM_{2.5}) – Particulate Matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers. ~~Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included as measured by a reference~~

~~method based on appendix J of 40 CFR 51.1000 and designated in accordance with 40 CFR 53 or by an equivalent method. [Definition revised to include gaseous emissions as requested. References to 40 CFR 50 appendix J removed.]~~

(~~7685~~) Parts Per Million (ppm) – Parts per million.

(~~7786~~) Parts per Million by Volume (ppmv) – The number of gas molecules of a given species, or group, in one million total gas molecules.

(~~87~~) Parts per Million by Weight (ppmw) – The mass or weight of a component substance relative to the mass or weight of the total substance including all components, specified as a ratio with one million mass or weight units in the denominator (i.e. grams per megagram or pounds per million pounds). *[Added for clarity as requested.]*

(~~7888~~) Permit Unit – Any Emissions Unit or equipment which is required to have a Permit to Operate pursuant to District Rule 203 – *Permit to Operate*.

(~~7989~~) Person – Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. Person also means the United States or its agencies to the extent authorized by Federal Law.

(~~8090~~) Photochemically Reactive Solvent – Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

- (a) A combination of hydrocarbons, alcohols, aldehydes, ethers, esters or ketones having an olefinic or cycloolefinic type of unsaturation except perchloroethylene; five (5) percent;
- (b) A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except ethylbenzene, methyl benzoate and phenyl acetate: eight (8) percent; or,
- (c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(~~8491~~) Potential to Emit (PTE) – The maximum capacity of a Facility to emit any air pollutant under its physical and operational design. Calculation methods, inclusions and exclusions are program specific and can be found in other District Rules.

(8292) Precursor – A substance which, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following:

<u>Precursors</u>	<u>Secondary Pollutants</u>
Ammonia	(a) PM ₁₀ and PM _{2.5}
Hydrocarbons and substituted hydrocarbons (Reactive Organic Compounds and Volatile Organic Compounds)	(a) Photochemical oxidant (ozone, O ₃) (b) The organic fraction of PM ₁₀ and PM _{2.5}
Nitrogen oxides (NO _x)	(a) Nitrogen dioxide (NO ₂) (b) The nitrate fraction of PM ₁₀ and PM _{2.5} (c) Photochemical oxidant (ozone, O ₃)
Sulfur oxides (SO _x)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}
Hydrogen Sulfide (H ₂ S)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}

(8393) Predictive Emissions Monitoring System (PEMS) – The equipment necessary to monitor process and Emission Control Equipment operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(8494) Pressure/Vacuum Relief Valve – A valve that is installed on the vent pipes of ~~the Gasoline~~ storage tanks to relieve pressure or vacuum build-up at preset values of pressure or vacuum. *[Broadened definition to be applicable to storage tanks other than gasoline.]*

(8595) Process Weight – The total weight of all materials introduced into any specific process which may discharge contaminants into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and air will not.

(8696) Process Weight per Hour – The total process weight divided by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(8797) Rated Brake Horsepower – The continuous brake horsepower rating specified for the engine by the manufacturer or listed on the nameplate of the unit, unless otherwise physically limited and specified by a condition on the engine's permit or District registration.

- | (~~8898~~) Rated Heat Input – The Heat Input capacity (in MMBtu/hr) specified on the nameplate of the unit, unless:
 - (a) The unit is limited by permit condition to a lesser Heat Input than specified on the nameplate, in which case the limiting condition shall be used as the Rated Heat Input; or
 - (b) The unit is operated above the Heat Input capacity specified on the nameplate, in which case the maximum operated rate shall be used as the Rated Heat Input.
- | (~~8999~~) Reasonably Available Control Technology (RACT) – The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- | (~~90100~~) Receptor Area – That specified geographic area in which the air contaminants emitted from a source area are present or to which they may be transported.
- | (~~94101~~) Reduction of Animal Matter – Any heated process used for rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of animal matter.
- | (~~92102~~) Registered Motor Vehicle – Any motor vehicle which is registered or requires registration for use on the highway.
- | (~~93103~~) Regulated Air Pollutant – Any Air Pollutant that is subject to the provisions of State or Federal law or the regulations promulgated thereunder. Inclusion and exclusions of particular Air Pollutants are program specific and can be found in other District Rules.
- | (~~94104~~) Regulation – Any of the major subdivisions of the Rules of the Mojave Desert Air Quality Management District.
- | (~~105~~) Repair Coating – A Coating used to re-coat portions of a product which has sustained mechanical damage to the Coating following normal painting operations. [Derived from Rules 1114, 1118.]
- | (~~95106~~) Retail Gasoline Station – Any motor vehicle refueling facility subject to payment of California sales tax on gasoline sales.
- | (~~96107~~) Roll Coater – A type of application Equipment in which a series of mechanical rollers form a thin Coating film on the surface of a roller, which is subsequently applied to a substrate by moving the substrate underneath the roller.
- | (~~97108~~) Rule – A rule of the Mojave Desert Air Quality Management District.
- | (~~98109~~) Schedule of Increments of Progress – A statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:

- (a) The date of submittal of the final plan for the control of emissions of air contaminants from that source to the District.
 - (b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
 - (c) The date of initiation of on-site construction or installation of emission control equipment or process change.
 - (d) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
 - (e) The date by which final compliance is to be achieved.
 - (f) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.
- (~~99~~110) Solid Particulate Matter – Particulate matter which exists as a solid at standard conditions.
- (~~100~~111) Solvent – Any liquid containing a Volatile Organic Compound or combination of Volatile Organic Compounds, which is used as a diluent, thinner, dissolver, viscosity reducer, cleaning agent, or for other similar uses. A Solvent may be a single compound or a blend of two (2) or more compounds.
- (~~101~~112) Source Area – That specified geographic area in which air contaminants are emitted.
- (~~102~~113) South Coast Air Quality Management District (SCAQMD) – The air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400).
- (114) Stain – Coatings which are formulated to change the color of a surface but not completely conceal the surface, so that the grain is still visible. [Derived from Rules 1113, 1114.]
- (~~103~~115) Standard Conditions – A gas temperature of 15.5 °C (60 °F) and a gas pressure of 760 mm Hg (14.7 pounds per square inch) absolute.
- (116) Stripper – A liquid used to remove cured Coatings, cured Inks and/or cured Adhesives. [Derived from Rules 1114, 1118.]
- (~~104~~117) Submerged Fill Loading - ~~Ais~~ a type of process for organic liquid loading, operations where the discharge opening is completely submerged below the liquid level, when the height of that liquid level when measured is above the bottom of the vessel is at eight centimeters (3.2 inches) or higher. [clarification]

~~(105118)~~ Submerged Fill Pipe—

(a) Top Loading - Any fill pipe where the discharge opening ~~of which~~ is completely submerged when the liquid level is 15 centimeters six (6) inches) above the bottom of the container.

(b) Side Loading ~~or when applied to a container which is loaded from the side, it means - any~~ Any fill pipe where the discharge opening ~~of which~~ is entirely submerged when the liquid level is 45 centimeters (18 inches) above the bottom of the container. [clarification]

~~(106119)~~ Switch Loading – A transfer of organic liquids with a vapor pressure of less than 77.5 mm HG (1.5 psia) under actual loading condition into any tank truck, trailer or railroad tank car that was previously loaded with an organic liquid with a vapor pressure of 77.5 mm HG (1.5 psia) or greater.

~~(107120)~~ Tank Replacement – The removal and installation of a new or another storage tank.

~~(108)~~ Touch-Up Coating—Any coating used to cover minor imperfections appearing after the main coating operation. [Correct alphabetizing.]

~~(109121)~~ Throughput – The mass or volume of a material or substance that is handled, or processed by a system in a given time period, such as gallons per year, tons per hour, etc.

~~(122)~~ Touch-Up – Any coating operation used to cover minor imperfections appearing after the main coating operation. [“Touch up” and “Coating” are separately defined, and will be understood individually or by combining the definitions. Removing the term “Coating” from this definition removes any confusion of a rule that contains either the term “Touch-up” or “Touch-up Coating”. Correct alphabetizing.]

~~(123)~~ Transfer Efficiency – The ratio of the weight or volume of Coating solids adhering to an object to the total weight or volume, respectively, of Coating solids used in the application process, expressed as a percentage. [Derived from Rules 1114, 1116, 1118.]

~~(110124)~~ True Vapor Pressure —~~The true vapor pressure under actual storage conditions as determined by the test method ASTM D-323-82.~~The equilibrium partial vapor pressure exerted by an organic liquid at actual storage temperature. [Derived from SJVUAPCD Rule 4623 §3.32.]

~~(111125)~~ United States Environmental Protection Agency (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.

~~(112126)~~ Vapor Recovery System – A system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of storage, transferring and/or disposal of the recovered vapors.

- (~~113~~127) Vapor Recovery System Efficiency – The estimated efficiency of the air pollution control technology which is incorporated, by means of an enforceable permit condition(s), ~~in the Authority To Construct (ATC) and/or the Permit To Operate (PTO) of an emissions unit or process.~~ Emission reductions attributed to lowering throughput rates or curtailing operating hours shall not be considered in determining abatement efficiency. *[Removed references to ATC and PTO pursuant to EPA comment.]*
- ~~(114)~~ ~~Vapor Tight~~ ~~The detection of less than 10,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21. [Rule is more appropriately located in specific District Rules 461, 462 and 463. Different values may apply to different rules.]~~
- (~~115~~128) Vehicle – A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
- (~~116~~129) Volatile Organic Compound (VOC) – Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and Exempt Compounds.

[SIP: See SIP Table at <http://www.mdaqmd.ca.gov>]

This page intentionally left blank.

Appendix “B”

Public Notice Documents

1. Proof of Publication – Daily Press, December 22, 2017
2. Proof of Publication – Riverside Press Enterprise, December 22, 2017

This page intentionally left blank.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
County of San Bernardino**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

December 22

All in the year 2017.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 22nd day of December,

2017.



Signature

Leslie Jacobs

This space is the County Clerk's Filing Stamp

RECEIVED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

JAN 03 2018

BY 

Proof of Publication of NOTICE OF HEARING

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on January 22, 2018 at 10:00 A.M. to consider the proposed amendment of Rule 102 - Definition of Terms, Rule 1114 - Wood Products Coating Operations, Rule 1157 - Rules and Process Masters, and Rule 1161 - Portland Cement Kilns.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed rules and the associated staff reports are on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, APCO at the above office address. Written comments should be received no later than January 18, 2018 to be considered. If you have any questions regarding Rules 102 or 1114 you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. If you have questions regarding Rule 1157 you may con-

tion 5756. If you have questions regarding Rule 1161 you may contact Alan De Salvo at (760) 245-1661 extension 6726. Traducción esta disponible por solicitud.

The proposed amendment of Rule 102 - Definition of Terms is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 1114, 1157, and 1161 are proposed for amendment to satisfy 42 U.S.C. §1511a (Federal Clean Air Act (FCAA) §162) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 9 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

Published in the
Daily Press
December 22, 2017
(P-46)

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

12/22/2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: December 22, 2017
At: Riverside, California


Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14306 PARK AVE
ATTN: D. HERNANDEZ
VICTORVILLE, CA 92392

Ad Number: 0011052493-01

P.O. Number:

Ad Copy:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on January 31, 2018 at 10:00 A.M. to consider the proposed amendment of Rule 102 - Definition of Terms, Rule 1114 - Wood Products Coating Operations, Rule 1157 - Boilers and Process Heaters; and Rule 1161 - Portland Cement Kilns.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed rules and the associated staff reports are on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, APCO of the above office address. Written comments should be received no later than January 16, 2018 to be considered. If you have any questions regarding Rules 102 or 1114 you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. If you have questions regarding Rule 1157 you may contact Michelle Zumwalt (760) 245-1661 extension 5755. If you have questions regarding Rule 1161 you may contact Alan De Salvia at (760) 245-1661 extension 5726. Traducción esta disponible por solicitud.

The proposed amendment of Rule 102 - Definition of Terms is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 1114, 1157, and 1161 are proposed for amendment to satisfy 42 U.S.C. 19231a (Federal Clean Air Act (FCAA) 19102) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 6 - 14 Cal. Code Reg 153306) applies and has prepared a Notice of Exemption for this action.

12/22

RECEIVED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

JAN 03 2018

BY 

Appendix “C”

Public Comments and Responses

1. EPA comments on Mojave Desert AQMD Draft Rule 102, Definition of Terms, scheduled for adoption on October 23, 2017.
2. EPA comments on MDAQMD 102, December 14, 2017

This page intentionally left blank.

1. EPA Comment

Tracy Walters

From: Law, Nicole <Law.Nicole@epa.gov>
Sent: Monday, September 25, 2017 4:23 PM
To: Tracy Walters; Alan De Salvio; Brad Poiriez; Sutkus, Carol@ARB; ariel.fideldy@arb.ca.gov
Cc: Steckel, Andrew
Subject: EPA comments on Mojave Desert AQMD draft Rule 102, Definition of Terms, scheduled for adoption on October 23, 2017

Hi Tracy,

We provide comments below on the draft revisions to Rule 102 provided to us by email from you on September 12, 2017. Numbers in parentheses refer to the paragraph number in the draft rule. Feel free to contact me at (415) 947-4126 with any questions regarding these comments.

Sincerely,
Nicole Law

1

(1) *Actual Emissions* – We believe this and several other definitions in Rule 102 will be superceded for use in Mojave’s permit requirements by definitions in Rule 1301, “NSR Definitions.” If these terms are only used in Mojave’s Regulation 13, consider removing them from Rule 102.

a

(13) *Boiler or Steam Generator* – Correct the typo as: “Boiler or Steam Generator does not include andy waste heat...”

2

(18) *Carbon Monoxide (CO)* – Consider deleting this definition because: (a) the term is commonly understood, (b) other compounds might also meet the definition currently provided in Rule 102, and (c) South Coast, Bay Area, San Joaquin and other Districts do not define the term in their analogous definition rules.

3

(19) *CARB certified (Certified by CARB)* – We understand this definition is used in South Coast Rule 461 with respect to Phase I and Phase II transfers. However, it seems it would now also be relied on by Mojave Rule 462, which applies to bulk terminal and bulk plant transfers (e.g., draft Rule 462 (C)(1)(a)(i)). It is not clear that referring to Phase I and Phase II VR is appropriate for bulk terminal/plant transfers. Consider deleting the reference to Phase I/II.

4

(20) *Certified Vapor Recovery System* - This definition seems redundant to the more comprehensive and specific definition (19). Consider deleting (20), combining it with (19), or revising the references to “CARB certified” in Rules 461 and 462 to be clear which definition is being used.

b

(26) *Continuous Emissions Monitoring System* – Consider revising “...requirements of this rule,” since “this rule” would seem to refer to Rule 102, which doesn’t have any CEMS requirements.

c

(27) *Control Device Efficiency* – This definition applies only to VOC. Consider whether the term might also be used by Mojave for any other pollutant.

d

(41) *Existing Facility* – Consider revising to, “... as of the date of adoption of rules related to such facility, unless otherwise specified in the rules...”

e/5

(45)(2) *Internal Floating Roof* – Consider revising numbering to (45)(b). Also, this definition is confusing because “floating roof” seems to refer to both the outer fixed roof and the roof resting on liquid. Consider revising consistent with EPA’s model rule definition: “A cover or roof in a fixed roof tank that rests upon or is floated upon the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between roof edge and tank

shell." Lastly, it is unclear how devices would be "approved" as provided in the definition, or who would do the approving.

- 6 → (47) *Fugitive Dust* – Consider revising, e.g., similar to San Joaquin Rule 8011.
- 7 → (49) *Fugitive Vapor Leak* – Please remove Executive Officer discretion for an alternative test method. e.g., cite EPA Method 21 (see SCAQMD Rule 462), include criteria to determine equivalent test method, or add EPA and CARB for approval of equivalent test methods.
- f → (51) *Gasoline Transfer and Dispensing Facility* – Correct the typo as, "...store and dispense..."
- 8 → (62) *Motor Vehicle* – Consider revising to specify the date of the version of the CVC relied on for this definition.
- 9 → (66) *Operator* and (71) *Owner* – Consider replacing here and in the underlying rules with the clearer definition of owner/operator in CAA 112(a)(9), "...any person who owns, leases, operates, controls, or supervises a stationary source."
- 10 → (74) *Particulate Matter (PM₁₀)* – While this definition appropriately references the size of the particulate matter, it should also state that gaseous emissions are included. E.g., "Particulate matter with aerodynamic diameter less than or equal to a nominal ten (10) microns. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included." Also, the references to 40 CFR 50 appendix J are not appropriate because appendix J is designed to determine atmospheric concentrations of PM₁₀.
- 11 → (75) *Particulate Matter (PM_{2.5})* – See previous comment. In addition, the definition of "direct PM_{2.5} emissions" in 40 CFR 51.1000 may be cited to better define this term.
- 12 → (76) *Parts Per Million (ppm)* – Because there is a definition for the term "parts per million by volume," a definition for "parts per million by weight" may be helpful as well.
- g → (82) *Precursor* – The placement of Hydrogen Sulfide spanning to columns in the table is confusing.
- 13 → (84) *Pressure/Vacuum Relief Valve* – Consider whether this definition is overly narrow, and should be revised to apply to organic liquid storage tanks as well as gasoline storage. E.g., Mojave draft Rule 462 requires P/V valves on organic liquid storage tanks for bulk plant transfers (C)(2)(a)(iv), while this definition appears to only apply to gasoline. Additionally, Rule 463 requires certain organic liquid storage tanks be equipped with P/V valves in (C)(2). Definitions of P/V valves in other similar rules are more general. For example, Yolo-Solano Rule 2.21 defines P/V relief valves as, "a valve for relieving any pressure or vacuum exceeding acceptable limits."
- 14 → (104) *Submerged Fill Loading* – Consider whether revisions could reduce potential confusion from defining two similar terms, "submerged fill loading" and "submerged fill pipe," which have different requirements.
- 15 → (108) *Touch-Up Coating* – The District's recent redline version of Rule 1162 suggests that a definition of "Touch Up" is being moved to 102. However, Rule 102 defines "touch-up coating," not "touch up." Consider whether this difference could create potential confusion.
- 16 → (110) *True Vapor Pressure* – This appears to provide an incorrect definition and test method. See, for example, San Joaquin Rule 4623, which states, "... the equilibrium partial pressure exerted by an organic liquid at storage temperature." Also, the test method referenced determines Reid vapor pressure, not True Vapor Pressure.
- 17 → (113) *Vapor Recovery System Efficiency* – Other Districts typically define vapor recovery system, and then specify a vapor recovery efficiency percent or an emissions limit as a requirement in the rule. Also, it is not obvious why definition references to ATC and PTO. Consider deleting this definition altogether, or revising it to clarify and to remove the ATC/PTO references.

18



(114) *Vapor tight* - Consider revising the 10,000 ppm level consistent with analogous definitions in other areas. For example, Yolo-Solano Rule 2.21 uses 1,000 ppmv above background, calibrated with methane, and South Coast Rule 463 uses 500 ppm.

Nicole Law
Rules Office, Air Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, 94105
Office: (415) 947-4126

This page intentionally left blank.

1. District response to EPA Comment

The following comments were addressed in the October 23, 2017 amendment.

- a. Typographical error corrected.
- b. Reference to “of this rule” removed since there are no CEMS requirements in this rule, but rather in a specific rule or regulation in the MDAQMD Rule Book
- c. “VOC” changed to “pollutant” as suggested.
- d. Added suggested language for clarification as suggested.
- e. Numbering format changed for consistency.
- f. Typographical error corrected.
- g. Precursor Table modified for clarification.

The balance of more substantive changes noted in EPA comments are being addressed at this time. These changes are noted as follows:

1. The term “Actual Emissions” is used in several non-Reg XIII rules, including Rule 219, Rule 1117, 1161. Therefore, this definition should remain in Rule 102.
2. Definition for “Carbon Monoxide” removed as suggested.
3. Reference to “Phase I and Phase II” removed as suggested.
4. Definition deleted as suggested.
5. Updated definition for Floating Roof Tank for consistency with *EPA “Model Volatile Organic Compound Rules for Reasonably Available Control Technology”, June 1992*.
6. The District prefers to have a more general definition for fugitive dust as it will apply to all rules in the rule book, and if a rule requires more specific information it can be included in that specific rule.
7. EPA and CARB added for requirement of equivalent test method approval for “Fugitive Vapor Leak” definition as requested.
8. Generally, references are to the statutory provision in effect on the day the rule is adopted/amended, therefore no citation is needed for the CVC version.
9. Definition of owner has been updated as requested. Portion of definition referencing “Owner/Operator” has been updated to reflect the language of CAA §112(a)(9).
10. Definition for PM₁₀ revised to include gaseous emissions as requested. References to 40 CFR 50 appendix J removed.
11. Definition for PM_{2.5} revised to include gaseous emissions as requested. References to 40 CFR 50 appendix J removed. Definition in 40 CFR 51.1000 doesn’t cite size, so the suggested language was not used.
12. Definition for “Part per Million by Weight” added.
13. Removed “gasoline” so definition generally applies to gasoline and organic liquid tanks and has applicability to Rules 461, 462 and 463.
14. Definitions for “Submerged Fill Loading” and “Submerged Fill Pipe” have been modified for clarity.
15. “Touch up” and “Coating” are separately defined, and will be understood individually or by combining the definitions. Removing the term “Coating” from this definition removes any confusion of a rule that contains either the term “Touch-up” or “Touch-up Coating”.
16. Replaced Definition for “True Vapor Pressure” as requested.
17. Removed references to ATC and PTO as requested.

18. After further review, it was determined that the definition for “Vapor Tight” will be removed and left in the individual rules. This definition is only contained in Rules 461 and 462 and will not be removed in the current amendment of these rules. The appropriate level will be determined on a rule-by-rule basis. Yolo-Solano Rule 22.1 will be referenced as requested.

2. EPA Comment

Tracy Walters

From: LEVIN, NANCY <Levin.Nancy@epa.gov>
Sent: Thursday, December 14, 2017 1:15 PM
To: Tracy Walters
Cc: Law, Nicole; Lo, Doris
Subject: RE: MDAQMD 102

Hi Tracy,
Thank you for sending the revised Rule 102, and for addressing the comments that Nicole Law sent on 9/25/17. We have one additional comment and one suggestion for this 11/29/17 version of the rule.

1

→ Comment: For the “Fugitive Vapor Leak” definition, we recommend replacing the word “determined” with “approved in writing.” This makes the definition more clear and enforceable.

2

→ Suggestion: For the Fugitive Dust definition, consider replacing the term “man” with a more generic term (e.g., person).

Please let me know if you have any questions or concerns. Thank you for the opportunity to comment prior to rule adoption.

Regards,
Nancy

Nancy Levin | 415-972-3848 | Rules and Planning
Air Division | Region IX | U.S. Environmental Protection Agency

From: Tracy Walters [<mailto:twalters@mdaqmd.ca.gov>]
Sent: Monday, December 04, 2017 3:48 PM
To: LEVIN, NANCY <Levin.Nancy@epa.gov>
Subject: MDAQMD 102

Good Afternoon Nancy,

Please find attached the Staff Report for Rule 102. If you have any questions about the way I responded to Nichole Laws comments, please give me a call. We were able to deal with non-substantive comments in the October amendment, and the remainder I did this go around. I tried to clarify that in the comment section but may be confusing.

Tracy Walters, REHS
Mojave Desert AQMD
14306 Park Avenue
Victorville, CA 92392
(760) 245-1661 ext. 6122
(760) 245-2022 fax
<http://www.mdaqmd.ca.gov>

2. District response to EPA Comment

1. Replaced word “determined” with “approved in writing” as requested.
2. Replaced term “man” with “persons” as requested.

Appendix “D”
California Environmental Quality Act
Documentation

1. Notice of Exemption – San Bernardino County
2. Notice of Exemption – Riverside County

This page intentionally left blank.



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Brad Poiriez, Executive Director

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

☒ MDAQMD Executive Office Manager

DATE FILED & POSTED

Posted On: 01/29/18

PROJECT TITLE: Amendment of Rule 102 – *Definition of Terms*

Removed On: 03/13/18

Receipt No: 310-01292018-055

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert
Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 102 – *Definition of Terms*
is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to
update them for consistency and clarity.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

☒ Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 102 are
exempt from CEQA review because this rule is administrative in nature, and there is no potential
that the adoption might cause the release of additional air contaminants or create any adverse
environmental impacts. Because there is no potential that the adoption might cause the release of
additional air contaminants or create any adverse environmental impacts, a Class 8 categorical
exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: Brad Poiriez **TITLE:** Executive Director **DATE:** January 22, 2018

DATE RECEIVED FOR FILING:

City of Adelanto	Town of Apple Valley	City of Banning	City of Blythe	City of Hesperia	City of Needles	County of Riverside	County of San Bernardino	City of Twentynine Palms	City of Victorville	Town of Yucca Valley
---------------------	-------------------------	--------------------	-------------------	---------------------	--------------------	------------------------	--------------------------------	--------------------------------	------------------------	-------------------------



Mojave Desert A
1430

FILED / POSTED

County of Riverside
Peter Ridana
Assessor-County Clerk-Recorder

E-201808084
01/31/2018 01:33 PM Fee: \$ 50.00
Page 1 of 1



NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392

RECEIVED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

☒ MDAQMD Executive Office Manager

FEB 05 2018

PROJECT TITLE: Amendment of Rule 102 - *Definition of Terms*.

PROJECT LOCATION - SPECIFIC: San Bernardino County portion of the Mojave Desert
Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION - COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 102 - *Definition of Terms* is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

☒ Categorical Exemption - Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 102 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez PHONE: (760) 245-1661

SIGNATURE: [Signature] TITLE: Executive Director DATE: January 22, 2018

DATE RECEIVED FOR FILING:

City of Adelanto	Town of Apple Valley	City of Banning	City of Hemet	City of Imperial	City of Modesto	County of Riverside	County of San Bernardino	City of Thousand Palms	City of Victorville	Town of Woods Valley
---------------------	-------------------------	--------------------	------------------	---------------------	--------------------	------------------------	--------------------------------	------------------------------	------------------------	-------------------------

Appendix “E”

Bibliography

The following documents were consulted in the preparation of this staff report.

1. MDAQMD Rule 461 – *Gasoline Transfer and Dispensing*
2. MDAQMD Rule 462 – *Organic Liquid Loading*
3. MDAQMD Rule 463 – *Storage of Organic Liquids*
4. MDAQMD Rule 1114 – *Wood Products Coating Operations*
5. MDAQMD Rule 1157 – *Boilers and Process Heaters*
6. MDAQMD Rule 1161 – *Portland Cement Kilns*
7. MDAQMD Rule 102 – *Definition of Terms*, Amended 12/19/88
8. SCAQMD Rule 102 – *Definition of Terms*, Amended 11/4/77

This page intentionally left blank



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Brad Poiriez, Executive Director

March 13, 2018

Carol Sutkus
State of California
Environmental Protection Agency
Air Resources Board
P. O. Box 2815
Sacramento, California 95812

Project Title: Amendment of MDAQMD Rule 461 – *Gasoline Transfer and Dispensing* Rule 462 - *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids*

Dear Ms. Sutkus:

The Mojave Desert Air Quality Management District (MDAQMD) requests that the California Air Resources Board submit amended Rule 461 – *Gasoline Transfer and Dispensing* Rule 462 - *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids*, to the United States Environmental Protection Agency (USEPA) for inclusion in the State Implementation Plan (SIP).

The amendments of Rules 461, 462 and 463 were necessary to satisfy 42 U.S.C. §7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors. Rule 461 and Rule 462 were previously amended on May 25, 1994 and Rule 462 was previously amended on November 2, 1992 and they were submitted as a SIP revision. This current amendment will supersede the prior submittal. A complete SIP discussion is contained in the accompanying Staff Report §(VI)(E). These rules must be included in the SIP as it provides applicable definitions for other SIP rules.

The District requests CARB submit to USEPA the proposed amendments to Rules 461, 462 and 463 to replace the SIP versions in effect in the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County. The District also requests removal of all prior versions of Rules 461, 462 and 463 from the Blythe/Palo Verde Valley portion of the MDAQMD.

If you have any questions regarding this submittal, please contact me at (760) 245-1661, extension 6726, or Michelle Zumwalt at extension 5756. Please note that all documents required for a complete submission were sent electronically on March 13, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. De Salvio".

Alan J. De Salvio
Deputy Director – Mojave Desert Operations

AJD/mz

CARB SIP Submittal Request MD Rule 1157 01222018

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Mojave Desert Air Quality Management District

Rule No: 461

Rule Title: Gasoline Transfer and Dispensing

Date Adopted or Amended: 01/22/2018

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended. (See Staff Report Appendix A)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. (See Staff Report Appendix B)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left. (See Staff Report Appendix C)

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy. (See Staff Report) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule. |

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Mojave Desert Air Quality Management District

Rule No: 462

Rule Title: Organic Liquid Loading

Date Adopted or Amended: 01/22/2018

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended. (See Staff Report Appendix A)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. (See Staff Report Appendix B)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left. (See Staff Report Appendix C)

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy. (See Staff Report) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule. |

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Mojave Desert Air Quality Management District

Rule No: 463

Rule Title: Storage of Organic Liquids

Date Adopted or Amended: 01/22/2018

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended. (See Staff Report Appendix A)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. (See Staff Report Appendix B)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left. (See Staff Report Appendix C)

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy. (See Staff Report) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule. |

APCD/AQMD RULE EVALUATION FORM – Page 1
(Electronic Format)**I. GENERAL INFORMATION**District: Mojave Desert Air Quality Management DistrictRule No(s): 461 Date adopted/Amended/Rescinded: January 22, 2018Rule Title(s): Gasoline Transfer and DispensingDate Submitted to ARB: March 13, 2018If an Amended Rule, Date Last Amended (or Adopted): May 25, 1994Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Michelle Zumwalt Phone Number: (760)245-1661 x5756 E-mail Address: mzumwalt@mdaqmd.ca.govNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended RuleThe amendments to Rule 461 satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.The definitions in section (B) of Rules 461, have been modified to add definitions which are specific to this rule, and remove definitions that are contained in Rule 102.Definitions Added: Altered Gasoline and Transfer Dispensing Facility, Backfilling, Balance System, Bellows-Less Nozzle, Coaxial Hose, Dry Break, End of Cycle, Enhanced Vapor Recovery (EVR), Executive Order, Fueling Position, Insertion Interlock Mechanism, Major Defect, Minor Defect, Onboard Refueling Vapor Recovery (ORVR), Performance Test, Phase I Vapor Recovery System, Phase II Vapor Recovery System, Rebuild, Re-Verification Test, Spill Box, Standing Loss Control, Vacuum-Assist System, Vapor Check Valve.Definitions Modified: Vapor TightDefinitions Removed: Certified Vapor Recovery System, Gasoline, Gasoline Storage and Dispensing Facility, Gasoline Vapors, Retail Gasoline Station, Submerged Fill Pipe, Vapor Recovery System.

Substantive updates to the Rule 461 are as follows: Subsection (C)(1) includes mobile fueler applicability requirements with those having a capacity of more than 251 gallons. Sections (C)(1), (C)(2) and (C)(3) includes updated requirements for CARB certification for Phase I and Phase II vapor recovery equipment and includes language that reflects the CARB Executive Orders. Subsection (C)(1)(h) requires that a spill box be installed whenever an underground storage tank is installed or replaced. Subsection (C)(1)(k) specifies that gasoline shall not be stored in open containers, nor spilled or sprayed which allows contamination of the air or ground. Subsection (C)(2) includes requirements for mobile fuelers with a capacity of more than 120 gallons. Subsection (C)(2)(a) proposes to add an emission factor to not exceed 0.38 lbs per 1,000 gallons. Subsection (C)(4) clarifies required self-compliance activities. Subsection (C)(1)(j) addresses standing loss requirements for aboveground storage tanks. Subsection (D)(4) clarifies when a facility is no longer exempt, and the time line for obtaining an operating permit. Subsection (D)(4)(2) outlines requirements for the ORVR exemption for fleets. Subsection (E)(2), clarifies performance testing and re-verification testing requirements and frequency, all retail and non-retail gasoline dispensing facilities will be required to test annually. Subsection (F) expands upon and clarifies what we already require for record keeping. Subsection (G) is updated to reference the latest testing methods outlined in the CARB Executive Orders. Attachment A, updates required signage for posting. Attachments B and C outline weekly and periodic self-inspection and maintenance requirements.

Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☐ (NOx) ☐ SO2
☐ (CO) ☐ PM ☐ TAC (name): _____**II. EFFECT ON EMISSIONS**

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/A

Emission Reduction Commitment in SIP for this Source Category: N/A

Inventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate (Provide information on as many years as possible):
N/A

APCD/AQMD RULE EVALUATION FORM - Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: ☐ Attainment ☐ Nonattainment ☒ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: ≈ 200

Percent in Nonattainment Area: 94%

Number of Large (\geq 100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: 0%

Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): N/A

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: Only CARB certified Vapor Recovery systems shall be installed/maintained, mobile fuelers now included in the requirements, increased system efficiency, introduction of standing loss requirements, more robust record keeping requirements and annual source test requirements.

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): C Work Practice Standards in Section(s): C

Recordkeeping Requirements in Section(s): E Reporting Requirements in Section(s): E

APCD/AQMD RULE EVALUATION FORM - Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: The amendments to Rule 461 address the RACT SIP Analysis commitments. All of the amendments update rule definitions and improve rule clarity. Specifically, the amendments in Rule 461 which would update mobile fueler requirements, CARB certified equipment requirements, spill box installation requirement, Phase II vapor recovery capacity and emission factor, self-inspection, record keeping requirements, updated performance testing and re-verification requirements, added an exemption for ORVR (onboard refueling vapor recovery fleets) and updated required signage at gasoline dispensing facilities.

The rule amendments are more stringent than the previous rule version. There is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts.

APCD/AQMD RULE EVALUATION FORM – Page 1
(Electronic Format)**I. GENERAL INFORMATION**District: Mojave Desert Air Quality Management DistrictRule No(s): 462 Date adopted/Amended/Rescinded: January 22, 2018Rule Title(s): Organic Liquid LoadingDate Submitted to ARB: March 13, 2018If an Amended Rule, Date Last Amended (or Adopted): May 25, 1994Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Michelle Zumwalt Phone Number: (760)245-1661 x5756 E-mail Address: mzumwalt@mdaqmd.ca.govNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended RuleThe amendments to Rule 462 satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.The definitions in section (B) of Rules 462, have been modified to change pre-existing definitions, and definitions have been removed that are contained in Rule 102.Definitions Modified: Class "A" Facility, Class "B" Facility, Vapor Tight detection limits reduced from 10,000 to 3,000 ppm.Definitions Removed: Fugitive Liquid Leak, Gasoline, Organic Liquid, Organic Materials, Organic Solvents, Switch Loading, Throughput, Vapor Reduction Device, Vapor Recovery System,

Substantive updates to the Rule 462 are as follows: Subsections (C)(1) and (C)(2) propose to include requirements for a CARB certified, or District approved vapor recovery system. Subsection (C)(1)(c) proposes an emission limit of 0.08 pound or less of VOC per thousand (1000) gallons. Subsection (C)(1)(d) proposes that Class "A" facilities utilize bottom loading only. Subsection (C)(1)(f) proposes that backpressure shall not exceed 18 inches of water column pressure. Subsection (C)(1)(g) requires liquid loading hoses and vapor return hoses to be capped or have a secondary valve when not in use. Subsection (C)(2)(a)(i) requires a vapor efficiency of 95%. Subsection (C)(2)(a)(iii) backpressure shall not exceed 18 inches of water column pressure. Subsection (C)(2)(a)(iv) proposes that all gasoline or other equivalent vapor pressure organic liquids shall be transferred with submerged fill loading or bottom loading at Class "B" facilities. Subsection (C)(2)(a)(v) proposes that at Class "B" facilities, the pressure vacuum valve on aboveground tanks be set to eight (8) ounces per square inch, provided that such setting does not exceed the tanks maximum pressure rating. Subsection (D)(5) proposes updated self-inspection requirements. Subsection (F)(1)(a) requires that Title V and MACT sources maintain records for five years. Subsection (F)(1)(b) updated record keeping requirements including: daily throughput, monthly throughput summary – for a rolling twelve month period, daily storage and transfer temperatures of the organic liquid, results of leak inspection checks. (G) updated test methods for compliance verification.

Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☐ (NOx) ☐ SO2
☐ (CO) ☐ PM ☐ TAC (name): _____**II. EFFECT ON EMISSIONS**

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/A

Emission Reduction Commitment in SIP for this Source Category: N/A

Inventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate *(Provide information on as many years as possible):*
N/A

APCD/AQMD RULE EVALUATION FORM - Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: ☐ Attainment ☐ Nonattainment ☒ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: ≈ 200

Percent in Nonattainment Area: 94%

Number of Large (\geq 100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: 0%

Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): N/A

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: Vapor Tight definition has been strengthened, reduction of VOC to 0.08 pound or less per thousand gallons, backpressure requirement, CARB Certified Vapor Recovery efficiency of 95%, more stringent leak inspection requirements, increased record keeping requirements.

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): C Work Practice Standards in Section(s): C

Recordkeeping Requirements in Section(s): F Reporting Requirements in Section(s): F

APCD/AQMD RULE EVALUATION FORM - Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: All of the amendments update rule definitions and improve rule clarity. The amendments to Rule 462 would update CARB certified equipment requirements, imposing a reduced emission requirement for class A facilities, updated loading requirements, Class B facilities would require a vapor recovery system, submerged fill loading and a pressure/vent valve. Self-inspection, record keeping and test methods have also been updated.

The rule amendments are more stringent than the previous rule version. There is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts.

APCD/AQMD RULE EVALUATION FORM – Page 1
(Electronic Format)**I. GENERAL INFORMATION**District: Mojave Desert Air Quality Management DistrictRule No(s): 463 Date adopted/Amended/Rescinded: January 22, 2018Rule Title(s): Storage of Organic LiquidsDate Submitted to ARB: March 13, 2018If an Amended Rule, Date Last Amended (or Adopted): November 2, 1992Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Michelle Zumwalt Phone Number: (760)245-1661 x5756 E-mail Address: mzumwalt@mdaqmd.ca.govNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended RuleThe amendments to Rule 463 satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.New rules specific definitions have been added to section (B) of Rule 463, and some definitions have been removed that are contained in Rule 102.Definitions Added: Metallic-Shoe Seal, Resilient-Toroid-Seal, Vapor Tight.Definitions removed: Gasoline, Organic Liquid, Organic Materials, Organic Solvents, True Vapor Pressure.Substantive updates to the Rule 463 are as follows: Subsection (B)(3) proposes that Vapor Tight be defined as the detection of less than 1,000 ppm. Subsection (C)(1) proposes reduction in true vapor pressure from 77.5 mm Hg (1.5 psia) to 25.8 mm Hg (0.5 psia) unless it is a pressure tank, meeting pressure requirements at all times or is equipped with a vapor loss control device. Subsection (C)(3)(d) added inspection and maintenance requirements. Subsection (H)(1) updated compliance verification test methods.Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☐ (NOx) ☐ SO2
☐ (CO) ☐ PM ☐ TAC (name): _____**II. EFFECT ON EMISSIONS***Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.*Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/AEmission Reduction Commitment in SIP for this Source Category: N/AInventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/AFuture Year Control Profile Estimate (Provide information on as many years as possible):
N/A

APCD/AQMD RULE EVALUATION FORM - Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: ☐ Attainment ☐ Nonattainment ☒ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: ≈ 2

Percent in Nonattainment Area: 100%

Number of Large (\geq 100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: 0%

Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): N/A

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: Reducing allowable vapor pressure of stored organics, addition of a Vapor Tight definition, more stringent tank inspections, smaller opening on secondary seal of Resilient Toroid Seal, approval of any closure device must come from USEPA, CARB and the APCO.

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): C Work Practice Standards in Section(s): C

Recordkeeping Requirements in Section(s): D Reporting Requirements in Section(s): D

APCD/AQMD RULE EVALUATION FORM - Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: All of the amendments update rule definitions and improve rule clarity. Specifically the amendments in Rule Rule 463 would update rule applicability, reduce the allowed vapor pressure of organic liquid storage tanks greater than 39,630 gallons and update self-inspection, maintenance, record keeping and testing.

The rule amendments are more stringent than the previous rule version. There is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #19

PAGE 1

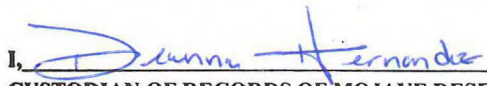
DATE: January 22, 2018

RECOMMENDATION: Conduct a public hearing to consider the amendments of Rule 461 - *Gasoline Transfer and Dispensing*, Rule 462- *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rules 461, 462 and 463, and directing staff actions.

SUMMARY: Rules 461, 462 and 463 are proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors. Additionally, the District is amending this rule to satisfy a prior commitment to implement the provisions of H&S Code §39614(d) (expired by its own terms on January 1, 2011) which required the adoption of readily available, feasible and cost-effective control measures for Particulate Matter from a list of potential local control measures promulgated by the California Air Resources Board (CARB)

CONFLICT OF INTEREST: None

BACKGROUND: The FCAA requires areas designated non-attainment and classified moderate or above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. The District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462- *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids* to current Federal RACT.

I, 
CUSTODIAN OF RECORDS OF MOJAVE DESERT AIR
QUALITY MANAGEMENT DISTRICT, HEREBY CERTIFY
THE FOREGOING TO BE A FULL, TRUE AND CORRECT
COPY OF THE RECORD OF THE ACTION AS THE SAME
APPEARS IN THE OFFICIAL MINUTES OF SAID
GOVERNING BOARD MEETING

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #19

PAGE 2

District Rule 461- *Gasoline Transfer and Dispensing*, and Rule 462 – *Organic Liquid Loading* was last amended on May 25, 1994, Rule 463 – *Storage of Organic Liquids* was last amended on November 2, 1992, and all three rules were approved as RACT into the SIP in 1995. (60 FR 21702, 05/03/1995). Previous versions of these rules addressed requirements outlined in the applicable CTG's published in the 1970s: Design Criteria for Stage I Vapor Control Systems – Gasoline Stations (EPA-450/R-75-102 November 1975), Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026 October 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emission from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036 December 1977), Control of Volatile Organic Emission from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047 December 1978) and Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA-450/2-78-051 December 1978).

The proposed amendments are based on the Control Technology Guidelines (CTGs), and various district rules deemed as fulfilling Reasonably Available Control Technology (RACT) requirements, including but not limited to: Antelope Valley Air Quality Management District (AVAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (76 FR 5277, 01/31/2001), AVAQMD Rule 462 – *Organic Liquid Loading* (62 FR 60784, 11/13/1997), AVAQMD Rule 463 – *Storage of Organic Liquids* (61 FR 54941, 10/23/1996); Placer County Air Pollution Control District (PCAPCD) Rule 212 – *Storage of Organic Liquids* (74 FR 27714, 06/11/2009), PCAPCD Rule 213 – *Gasoline Transfer in Stationary Storage Containers* (80 FR 7345, 02/10/2015); South Coast Air Quality Management District (SCAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (78 FR 21543, 04/11/2013), SCAQMD Rule 462 – *Organic Liquid Loading* (64 FR 39037, 07/21/1999), SCAQMD Rule 463 – *Storage of Organic Liquids* (78 FR 18854, 11/04/2011); and Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006), YSAQMD Rule 2.22 – *Gasoline Dispensing Facilities* (81 FR 6763, 02/09/2016).

The proposed amendments to Rules 461, 462 and 463 address the *RACT SIP Analysis* commitments. All of the proposed amendments update rule definitions, rule clarity. Specifically the proposed amendments in Rule 461 would update mobile fueler requirements, CARB certified equipment requirements, spill box installation requirement, Phase II vapor recovery capacity and emission factor, self-inspection and record keeping requirements, updated performance testing and re-verification requirements, added an exemption for ORVR (onboard refueling vapor recovery fleets, and updated required signage at gasoline dispensing facilities. The proposed amendments to Rule 462 would update CARB certified equipment requirements, imposing a reduced emission requirement for class A facilities, vapor tight detection limits reduced to 3,000 ppm, updated loading requirements, Class B facilities would require a vapor recovery system, submerged fill loading and a pressure/vent valve. Self-inspection, record keeping and test

**OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

PAGE 3

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendments of Rules 461, 462 and 463 pursuant to the requirements of CEQA.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, Deputy District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about January 8, 2018.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

ADOPTED

Ayes: 12 CAMARGO, COLE, COX, DECONINCK, HERNANDEZ, LEONE, LOVINGOOD, PEREZ, RAMOS, RIORDAN, SWANSON, WILLIAMS

Absent: *1* STANTON

Vacant:

BY

Dated: JANUARY 22, 2018

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #19

PAGE 4

Ref. Resolution 18-03, "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULES 461 - *GASOLINE TRANSFER AND DISPENSING*, RULE 462- *ORGANIC LIQUID LOADING* AND RULE 463 – *STORAGE OF ORGANIC LIQUIDS*, AND DIRECTING STAFF ACTIONS."

RESOLUTION 18-03

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULES 461 - GASOLINE TRANSFER AND DISPENSING, RULE 462- ORGANIC LIQUID LOADING AND RULE 463 – STORAGE OF ORGANIC LIQUIDS, AND DIRECTING STAFF ACTIONS.

On January 22, 2018, on motion by Member ED CAMARGO, seconded by Member CARMEN HERNANDEZ, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS the FCAA requires areas designated non-attainment and classified moderate or above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NOX) which are ozone precursors; and

WHEREAS, the District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462- *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids* to current Federal RACT; and

WHEREAS, District Rule 461- *Gasoline Transfer and Dispensing*, and Rule 462 – *Organic Liquid Loading* was last amended on May 25, 1994, Rule 463 – *Storage of Organic Liquids* was last amended on November 2, 1992, and all three rules were approved as RACT into the SIP in 1995 (60 FR 21702, 05/03/1995); and

WHEREAS, Previous versions of these rules addressed requirements outlined in the applicable CTG’s published in the 1970s: Design Criteria for Stage I Vapor Control Systems – Gasoline Stations (EPA-450/R-75-102 November 1975), Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026 October 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emission from Storage of

RESOLUTION 18-03

Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036 December 1977), Control of Volatile Organic Emission from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047 December 1978) and Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA-450/2-78-051 December 1978); and

WHEREAS, The proposed amendments are based on the Control Technology Guidelines (CTGs), and various district rules deemed as fulfilling Reasonably Available Control Technology (RACT) requirements, including but not limited to: Antelope Valley Air Quality Management District (AVAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (76 FR 5277, 01/31/2001), AVAQMD Rule 462 – *Organic Liquid Loading* (62 FR 60784, 11/13/1997), AVAQMD Rule 463 – *Storage of Organic Liquids* (61 FR 54941, 10/23/1996); Placer County Air Pollution Control District (PCAPCD) Rule 212 – *Storage of Organic Liquids* (74 FR 27714, 06/11/2009), PCAPCD Rule 213 – *Gasoline Transfer in Stationary Storage Containers* (80 FR 7345, 02/10/2015); South Coast Air Quality Management District (SCAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (78 FR 21543, 04/11/2013), SCAQMD Rule 462 – *Organic Liquid Loading* (64 FR 39037, 07/21/1999), SCAQMD Rule 463 – *Storage of Organic Liquids* (78 FR 18854, 11/04/2011); and Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006), YSAQMD Rule 2.22 – *Gasoline Dispensing Facilities* (81 FR 6763, 02/09/2016); and

WHEREAS, All of the proposed amendments update rule definitions, rule clarity; and

WHEREAS, the proposed amendments to the Rule are necessary to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors; and

WHEREAS, the MDAQMD has the authority pursuant to H & S Code §40702 to amend rules and regulations; and

WHEREAS, the proposed amendments are clear in that the meaning can be easily understood by the persons impacted by the Rule; and

WHEREAS, the proposed amendments are in harmony with, and not in conflict with, or contradictory to existing statutes, court decisions, or State or federal regulations because The proposed amendments to Rules 461, 462, and 463 are in conformance with the applicable CTG's; and

RESOLUTION 18-03

1 **WHEREAS**, the proposed amendments do not impose the same requirements as any existing
2 State or federal regulation because CTG's and RACT are not directly enforceable; therefore this rule is
3 necessary to enforce standards and is non-duplicative; and

4 **WHEREAS**, the proposed amendments are needed in order to impose RACT for sources that are
5 subject to CTGs and for major sources of ozone precursors; and

6 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H & S Code
7 §40725, concerning the proposed amendments to Rules 461, 462 and 463; and

8 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
9 proposed amendments to Rules 461, 462 and 463, completed in compliance with the California
10 Environmental Quality Act (CEQA), has been presented to the MDAQMD Board; each member having
11 reviewed, considered and approved the information contained therein prior to acting on the proposed
12 amendments to Rule 461, 462 and 463, and the MDAQMD Board having determined that the proposed
13 amendments will not have any potential for resulting in any adverse impact upon the environment; and

14 **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

15 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the MDAQMD finds
16 that the proposed amendments to Rules 461 - *Gasoline Transfer and Dispensing*, Rule 462 - *Organic*
17 *Liquid Loading and*, Rule 463 - *Storage of Organic Liquids* is necessary, authorized, clear, consistent,
18 non-duplicative and properly referenced; and

19 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby makes a
20 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
21 Exemption for the proposed amendments to Rules 461, 462 and 463; and

22 **BE IT FURTHER RESOLVED**, that the Board of the MDAQMD does hereby adopt, pursuant
23 to the authority granted by law, the proposed amendments to Rule 461, 462 and 463, as set forth in the
24 attachments to this resolution and incorporated herein by this reference; and

25 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,
26 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
27 of CEQA.
28

RESOLUTION 18-03

PASSED, APPROVED AND ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District by the following vote:

AYES: *12* **MEMBER:** *CAMARGO, COLE, COX, DECONINCK,*
HERNANDEZ, LEONE, LOVINGOOD, PEREZ, RAMOS,
RIORDAN, SWANSON, WILLIAMS

NOES: **MEMBER:**

ABSENT: *1* **MEMBER:** *STANTON*

ABSTAIN: **MEMBER:**

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) SS:
)

I, Deanna Hernandez, Senior Executive Analyst of the Governing Board of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of January 22, 2018.



Senior Executive Analyst,
Mojave Desert Air Quality Management District.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #15

PAGE 1

DATE: October 23, 2017

RECOMMENDATION: Conduct a public hearing to consider the amendments of Rule 461 - *Gasoline Transfer and Dispensing*, Rule 462- *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids* and continue public hearing to January 22, 2018.

SUMMARY: Rules 461, 462 and 463 are proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors. Additionally, the District is amending this rule to satisfy a prior commitment to implement the provisions of H&S Code §39614(d) (expired by its own terms on January 1, 2011) which required the adoption of readily available, feasible and cost-effective control measures for Particulate Matter from a list of potential local control measures promulgated by the California Air Resources Board (CARB). The rule needs to be continued to address substantive comments received from the U.S. Environmental Protection Agency.

CONFLICT OF INTEREST: None

BACKGROUND: The FCAA requires areas designated non-attainment and classified moderate or above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. The District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462- *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids* to current Federal RACT.

I, Deanna Hernandez
CUSTODIAN OF RECORDS OF MOJAVE DESERT AIR
QUALITY MANAGEMENT DISTRICT, HEREBY CERTIFY
THE FOREGOING TO BE A FULL, TRUE AND CORRECT
COPY OF THE RECORD OF THE ACTION AS THE SAME
APPEARS IN THE OFFICIAL MINUTES OF SAID
GOVERNING BOARD MEETING.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #15

PAGE 2

District Rule 461- *Gasoline Transfer and Dispensing*, and Rule 462 – *Organic Liquid Loading* was last amended on May 25, 1994, Rule 463 – *Storage of Organic Liquids* was last amended on November 2, 1992, and all three rules were approved as RACT into the SIP in 1995. (60 FR 21702, 05/03/1995). Previous versions of these rules addressed requirements outlined in the applicable CTG's published in the 1970s: Design Criteria for Stage I Vapor Control Systems – Gasoline Stations (EPA-450/R-75-102 November 1975), Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026 October 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emission from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036 December 1977), Control of Volatile Organic Emission from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047 December 1978) and Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA-450/2-78-051 December 1978).

The proposed amendments are based on the Control Technology Guidelines (CTGs), and various district rules deemed as fulfilling Reasonably Available Control Technology (RACT) requirements, including but not limited to: Antelope Valley Air Quality Management District (AVAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (76 FR 5277, 01/31/2001), AVAQMD Rule 462 – *Organic Liquid Loading* (62 FR 60784, 11/13/1997), AVAQMD Rule 463 – *Storage of Organic Liquids* (61 FR 54941, 10/23/1996); Placer County Air Pollution Control District (PCAPCD) Rule 212 – *Storage of Organic Liquids* (74 FR 27714, 06/11/2009), PCAPCD Rule 213 – *Gasoline Transfer in Stationary Storage Containers* (80 FR 7345, 02/10/2015); South Coast Air Quality Management District (SCAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (78 FR 21543, 04/11/2013), SCAQMD Rule 462 – *Organic Liquid Loading* (64 FR 39037, 07/21/1999), SCAQMD Rule 463 – *Storage of Organic Liquids* (78 FR 18854, 11/04/2011); and Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006), YSAQMD Rule 2.22 – *Gasoline Dispensing Facilities* (81 FR 6763, 02/09/2016).

The proposed amendments to Rules 461, 462 and 463 address the *RACT SIP Analysis* commitments. All of the proposed amendments update rule definitions, rule clarity. Specifically the proposed amendments in Rule 461 would update mobile fueler requirements, CARB certified equipment requirements, spill box installation requirement, Phase II vapor recovery capacity and emission factor, self-inspection and record keeping requirements, updated performance testing and re-verification requirements, added an exemption for ORVR (onboard refueling vapor recovery fleets, and updated required signage at gasoline dispensing facilities. The proposed amendments to Rule 462 would update CARB certified equipment requirements, imposing a reduced emission requirement for class A facilities, updated loading requirements, Class B facilities would require a vapor recovery system, submerged fill loading and a pressure/vent valve. Self-inspection, record keeping and test methods have also been updated. The proposed

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #15

PAGE 3

amendments to Rule 463 would update rule applicability, reduce the allowed vapor pressure of organic liquid storage tanks greater than 39,630 gallons and update self-inspection, maintenance and record keeping.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendments of Rules 461, 462 and 463 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, Deputy District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about October 3, 2017.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

**CONCENSUS ACTION OF THE GOVERNING BOARD
OPEN PUBLIC HEARING AND
CONTINUED PUBLIC HEARING TO GOVERNING BOARD MEETING OF
JANUARY 22, 2018.**

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #10

PAGE 1

DATE: September 25, 2017

RECOMMENDATION: Set date of October 23, 2017 to conduct a public hearing to consider the amendment of Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids* as well as the approval of California Environmental Quality Act (CEQA) documentation.

SUMMARY: This item officially sets the date for the mandatory public hearing to be held on the amendment of Rule 461, Rule 462 and Rule 463. The aforementioned rules are proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

CONFLICT OF INTEREST: None

BACKGROUND: The FCAA requires areas designated non-attainment and classified moderate or above to implement RACT for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. The District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462- *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids* to current Federal RACT.

District Rule 461- *Gasoline Transfer and Dispensing*, and Rule 462 – *Organic Liquid Loading* was last amended on May 25, 1994, Rule 463 – *Storage of Organic Liquids* was last amended on November 2, 1992, and all three rules were approved as RACT into the SIP in 1995. (60 FR 21702, 05/03/1995). Previous versions of these rules addressed requirements outlined in the applicable CTG’s published in the 1970s: Design Criteria for Stage I Vapor Control Systems – Gasoline Stations (EPA-450/R-75-102 November 1975), Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026 October 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977),

I, Dianne Hernandez
CUSTODIAN OF RECORDS OF MOJAVE DESERT AIR
QUALITY MANAGEMENT DISTRICT, HEREBY CERTIFY
THE FOREGOING TO BE A FULL, TRUE AND CORRECT
COPY OF THE RECORD OF THE ACTION AS THE SAME
APPEARS IN THE OFFICIAL MINUTES OF SAID
GOVERNING BOARD MEETING

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #10

PAGE 2

Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emission from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036 December 1977), Control of Volatile Organic Emission from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047 December 1978) and Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA-450/2-78-051 December 1978).

The proposed amendments are based on the CTGs, and various district rules deemed as fulfilling RACT requirements, including but not limited to: Antelope Valley Air Quality Management District (AVAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (76 FR 5277, 01/31/2001), AVAQMD Rule 462 – *Organic Liquid Loading* (62 FR 60784, 11/13/1997), AVAQMD Rule 463 – *Storage of Organic Liquids* (61 FR 54941, 10/23/1996); Placer County Air Pollution Control District (PCAPCD) Rule 212 – *Storage of Organic Liquids* (74 FR 27714, 06/11/2009), PCAPCD Rule 213 – *Gasoline Transfer in Stationary Storage Containers* (80 FR 7345, 02/10/2015); South Coast Air Quality Management (SCAQMD) District Rule 461 – *Gasoline Transfer and Dispensing* (78 FR 21543, 04/11/2013), SCAQMD Rule 462 – *Organic Liquid Loading* (64 FR 39037, 07/21/1999), SCAQMD Rule 463 – *Storage of Organic Liquids* (78 FR 18854, 11/04/2011); and Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006), YSAQMD Rule 2.22 – *Gasoline Dispensing Facilities* (81 FR 6763, 02/09/2016).

The proposed amendments to Rules 461, 462 and 463 address the *RACT SIP Analysis* commitments. All of the proposed amendments update rule definitions, rule clarity. Specifically the proposed amendments in Rule 461 will update mobile fueler requirements, CARB certified equipment requirements, spill box installation requirement, Phase II vapor recovery capacity and emission factor, self-inspection and record keeping requirements, updated performance testing and re-verification requirements, added an exemption for ORVR (onboard refueling vapor recovery fleets, and updated required signage at gasoline dispensing facilities. Rule 462 amendment will update CARB certified equipment requirements, imposing a reduced emission requirement for class A facilities, updated loading requirements, Class B facilities will require a vapor recovery system, submerged fill loading and a pressure/vent valve. Self-inspection, record keeping and test methods have also been updated. Proposed amendments to Rule 463 will update rule applicability, reduce the allowed vapor pressure of organic liquid storage tanks greater than 39,630 gallons and update self-inspection, maintenance and record keeping.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rules 461, 462 and 463 pursuant to the requirements of CEQA.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #10

PAGE 3

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or before September 11, 2017.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

ACTION OF THE GOVERNING BOARD

APPROVED (SET DATE)

Upon Motion by **BARB STANTON**, Seconded by **JOHN COLE**, as approved by the following roll call vote:

Ayes: **10** **CAMARGO, COLE, COX, DECONINCK, HERNANDEZ,
LEONE, LOVINGOOD, RIORDAN, STANTON, WILLIAMS**

Noes:

Absent: **3** **PEREZ, RAMOS, RUSS**

Abstain:

Vacant:

DEANNA HERNANDEZ, EXECUTIVE OFFICE MANAGER

BY _____

Dated: SEPTEMBER 25, 2017

RULE 461

Gasoline Transfer and Dispensing

(A) General Description

- (1) Purpose:
 - (a) To limit the emissions of Volatile Organic Compounds (VOC) and toxic compounds from the transfer and dispensing of Gasoline.
- (2) Applicability:
 - (a) The provisions of this rule shall apply to the transfer of Gasoline from any tank truck, or railroad tank car into any stationary storage tank or Mobile Fueler, and from any stationary storage tank or Mobile Fueler into any Mobile Fueler or Motor Vehicle fuel tank.
- (3) Severability:
 - (a) If any portion of this rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless a term is otherwise defined herein.

- (1) “Altered Gasoline Transfer and Dispensing Facility” - is a Gasoline Transfer and Dispensing Facility with any of the following:
 - (a) The removal or addition of storage tank(s), or changes in the number of Fueling Positions.
 - (b) The replacement of storage tank(s), dispensing nozzle(s) or other equipment with different characteristics or descriptions from those specified on the existing permit.
- (2) “Backfilling” - is the covering of the underground storage tank, piping or any associated components with soil, aggregate or other materials prior to laying the finished surface
- (3) “Balance System” – A Phase II Vapor Recovery System that operates on the principle of vapor displacement.

- (4) “Bellows-Less Nozzle” – Any nozzle that incorporates both an assist system and a Gasoline Vapor capture mechanism at the Motor Vehicle filler neck, such that vapors are collected at the vehicle filler neck without the need for an interfacing flexible bellows, and which is certified by the California Air Resources Board (CARB) for operation as a Bellows-less Nozzle.
- (5) “Coaxial Hose” – A hose that contains two passages with a configuration of a hose within a hose. One of the passages dispenses the liquid Gasoline into the vehicle fuel tank while the other passage carries the Gasoline Vapors from the vehicle fuel tank to the storage tank.
- (6) “Dry Break” or poppetted Dry Break is a Phase I vapor recovery component that opens only by connection to a mating device to ensure that no Gasoline vapors escape from the underground storage tank before the vapor return line is connected and sealed.
- (7) “End of Cycle”
 - (a) For delivery vehicles - when the delivery Vehicle is emptied or, if not emptied, before taking on more Gasoline.
 - (b) For transferring Gasoline to a Motor Vehicle – upon the completion of fueling, by the last customer who was fueling, at the time the problem is detected.
- (8) “Enhanced Vapor Recovery (EVR)” - means performance standards and specifications set forth in the CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline dispensing facilities).
- (9) “Executive Order” - Orders published by CARB that document the requirements of specific vapor Control Equipment and procedures used in Phase I and Phase II Vapor Recovery Systems.
- (10) “Fueling Position” – A fuel dispensing unit consisting of nozzle(s) and meter(s) with the capability to deliver only one fuel product at one time.
- (11) “Insertion Interlock Mechanism” – Any CARB certified mechanism that ensures a tight fit at the nozzle fill pipe interface and prohibits the dispensing of Gasoline unless the bellows is compressed.
- (12) “Major Defect” - is a defect in the Vapor Recovery System or its component, as listed in California Code of Regulations, Title 17, Part III, Chapter 1, Subchapter 8, Section 94006.
- (13) “Minor Defect” - is a defect in any Gasoline transfer and dispensing equipment, which renders the equipment out of good working order but which does not constitute a Major Defect.
- (14) “Onboard Refueling Vapor Recovery (ORVR)” – Vehicle emission control system that captures fuel vapors from the vehicle gas tank during refueling.

- (15) “Performance Test” – is the first test or series of tests performed on a new or altered CARB Certified Gasoline Vapor Recovery System demonstrating compliance with the CARB Executive Order and District permit conditions upon completion of construction or alteration of the Vapor Recovery System.
- (16) “Phase I Vapor Recovery System”
- Components may include, but are not limited to:
- (a) the couplers that connect tanker trucks to the underground tanks
 - (b) spill containment drain valves
 - (c) overfill prevention devices
 - (d) Pressure/Vacuum Relief (P/V) valves
- (17) “Phase II Vapor Recovery System”
- Components may include, but are not limited to:
- (a) Gasoline dispensers
 - (b) nozzles
 - (c) piping, break away, hoses, and face plates
 - (d) vapor processors
 - (e) system monitors
- (18) “Rebuild” – An action that repairs, replaces, or reconstructs any part of a component of a vapor recovery system that forms the Gasoline vapor passage of the component, or that comes in contact with the recovered Gasoline vapors in the component. Rebuild does not include the replacement of a complete component with another CARB certified complete component; nor does it include the replacement of a spout, bellows, or vapor guard of a CARB certified nozzle. The new part shall be CARB certified and as supplied by the qualified manufacturer specifically for the CARB certified nozzle.
- (19) “Re-Verification Test” - is a test or series of tests performed subsequent to the Performance Test on a CARB Certified Gasoline Vapor Recovery System to demonstrate compliance with the CARB Executive Order and District permit conditions.
- (20) “Spill Box” - is an enclosed container around a Phase I fill pipe that is designed to collect Gasoline spillage resulting from disconnection between the liquid Gasoline delivery hose and the fill pipe.
- (21) “Standing Loss Control” – the control of vapors from aboveground storage tanks when no Phase I or Phase II gasoline transfers are occurring.
- (22) “Vacuum-Assist System” – A Phase II Vapor Recovery System that uses vacuum producing device such as a compressor or turbine to create a vacuum during Gasoline dispensing to capture Gasoline Vapors.

- (23) “Vapor Check Valve” is a valve that opens and closes the vapor passage to the storage tank to prevent Gasoline vapors from escaping when the nozzle is not in use.
- (24) “Vapor Tight” – means the detection of less than 10,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21.

C) Requirements

(1) Gasoline Transfer into Stationary Storage Tanks and Mobile Fuelers (Phase I)

A person shall not transfer, permit the transfer or provide equipment for the transfer of Gasoline into any stationary storage tank with a capacity of more than 251 gallons (950 liters), or any Mobile Fueler tank with a capacity of more than 120 gallons (454 liters) unless the transfer is made to a storage tank equipped as required in Rule 463 or unless all of the following conditions are met:

- (a) The tank is equipped with a CARB Certified Submerged Fill Pipe.
- (b) The vent pipe opening is equipped with a CARB Certified Pressure/Vacuum Relief Valve.
- (c) The tank is equipped with a CARB Certified Vapor Recovery System capable of recovering or processing 98 percent (98%) of the displaced Gasoline Vapors.
- (d) The Mobile Fueler is equipped with a CARB Certified Vapor Recovery System capable of recovering or processing 95 percent (95%) of the displaced Gasoline Vapors.
- (e) All vapor return lines shall be connected between the tanks involved in the transfer. In addition, all associated hoses, fittings, and couplings shall be maintained in a Liquid Tight and Vapor Tight condition, as defined by the applicable CARB Certification and test procedures as referenced in section (G) of this rule.
- (f) The hatch on any tank truck, trailer, or railroad tank car shall not be opened for more than three (3) minutes for each visual inspection, provided that:
 - (i) Transfer or pumping has been stopped for at least three (3) minutes prior to opening.
 - (ii) The hatch is closed before transfer or pumping is resumed.
- (g) Underground tank lines shall be gravity drained; in such a manner that upon disconnect no liquid spillage would occur.

- (h) Aboveground storage tanks shall be equipped with Dry Breaks, such that liquid spillage upon disconnect shall not exceed 10 milliliters.
- (i) Equipment subject to this section shall be operated and maintained, according to all of the following requirements:
 - (i) All fill tubes shall be equipped with Vapor Tight covers, including gaskets;
 - (ii) All Dry Breaks shall be equipped with Vapor Tight seals and dust covers;
 - (iii) Coaxial fill tubes shall be operated and maintained so that there is no obstruction of vapor passage from any portion of the Vapor Recovery System;
 - (iv) The fill tube assembly, including fill tube, fittings and gaskets shall be maintained to prevent vapor leakage from any portion of the Vapor Recovery System; and,
 - (v) All storage tank or Mobile Fueler vapor return lines without Dry Breaks shall be equipped with Vapor Tight covers, including gaskets.
- (j) Aboveground storage tanks subject to Phase I requirements must also comply with Standing Loss Control requirements as specified in the applicable CARB Executive Orders.
- (k) Any time an underground storage tank is installed or replaced at any Gasoline Transfer and Dispensing Facility, a CARB Certified Spill Box shall be installed.
- (l) A person shall not install or permit the installation of any Phase I Vapor Recovery System of the coaxial design at any Gasoline Transfer and Dispensing Facility unless such system was certified by CARB after January 1, 1994; and
- (m) A person shall not install or permit the installation of any Phase I Vapor Recovery System of the dual-point design at any Gasoline Transfer and Dispensing Facility unless such system incorporates CARB Certified poppetted Dry Breaks or spring-loaded Vapor Check Valves on the vapor return coupler.
- (n) The Owner/Operator of a new or Altered Gasoline Transfer and Dispensing Facility, involving exposure of underground storage tank and associated piping, shall have all underground storage tank installation and associated piping configuration inspected prior to any Backfilling to verify that all underground equipment is properly installed in accordance with the requirements specified in the applicable CARB Executive Order. The District shall be notified by telephone at least 24 hours prior to the Backfilling.

(2) Gasoline Transfer into Vehicle Fuel Tanks (Phase II)

A person shall not transfer, or permit the transfer or provide equipment for the transfer of Gasoline from a stationary storage tank or Mobile Fueler of greater than 120 gallons (454 liters) capacity, into any Mobile Fueler of greater than 120 gallons (454 liters) capacity or into any Motor Vehicle fuel tank of greater than 5 gallons (19 liters) capacity unless all of the following conditions are met:

- (a) The dispensing unit used to transfer the Gasoline from the stationary storage tank or Mobile Fueler to the Motor Vehicle fuel tank is equipped with a CARB Certified Vapor Recovery System capable of recovering 95 percent (95%) of the displaced Gasoline Vapors, or having an emission factor not exceeding 0.38 pounds per 1,000 gallons.
- (b) The system and associated components shall be maintained Vapor Tight and Liquid Tight at all times.
- (c) Each Balance-System nozzle is equipped with a CARB Certified Insertion Interlock Mechanism and a CARB Certified Vapor Check Valve which shall be located in the nozzle.
- (d) Each Gasoline-dispensing nozzle is equipped with a coaxial hose as specified in the applicable CARB Executive Order.
- (e) Dispensing nozzles shall be equipped with CARB Certified hold-open latches unless prohibited by local fire code and/or State Fire Marshall.
- (f) Unless otherwise specified in the applicable CARB Executive Orders, all Liquid Removal devices installed for any Gasoline dispensing nozzle with a dispensing rate of greater than five gallons per minute shall be CARB Certified with a minimum Liquid Removal rate of five milliliters per gallon transferred.
- (g) The breakaway coupling shall be CARB Certified. Any breakaway coupling shall be equipped with a poppet valve, which shall close and maintain both the Gasoline Vapor and liquid lines Vapor Tight and Liquid Tight when the coupling is separated. In the event of a separation due to a “drive-off”, the Owner/Operator shall complete one of the following and document the activities pursuant to section (E) of this rule, for recordkeeping requirements:
 - (i) Conduct a visual inspection of the affected equipment and perform qualified repairs on any damaged components before placing any affected equipment back in service. In addition, the affected equipment shall be tested in accordance to applicable test methods as specified in the applicable CARB Executive Orders and the corresponding CARB approved Installation, Operation and Maintenance manual and successfully passed prior to the affected equipment dispensing Gasoline into any Vehicle; or

- (ii) Conduct a visual inspection of the affected equipment and replace the affected nozzles, coaxial hoses, breakaway couplings, and any other damaged components with new or certified rebuilt components that are CARB Certified, before placing any affected equipment back in service.

(3) Additional Requirements

- (a) Equipment subject to this rule is operated and maintained with none of the defects listed in California Code of Regulations, Section 94006, Subchapter 8, Chapter 1, Part III of Title 17, as specified in the most recently adopted CARB “Vapor Recovery Equipment Defects List” (<https://www.arb.ca.gov/vapor/vred/vred.htm>).
- (b) A person shall not supply, offer for sale, sell or install or allow the installation of any Vapor Recovery System or any of its components, unless the system and component are CARB Certified. Each Vapor Recovery System and its components shall be clearly and permanently marked with the qualified manufacturer’s name and model number as certified by CARB. In addition, the qualified manufacturer's unique serial number for each component shall also be clearly and permanently marked for the dispensing nozzles. Any qualified manufacturer who Rebuilds a component shall also clearly and permanently mark the corresponding information on the component.
- (c) New Vapor Recovery Systems shall install CARB Certified equipment pursuant to the latest applicable Executive Order.
- (d) Vapor Recovery Systems used to comply with the provisions of this rule shall comply with all safety, fire, weights and measures, and other applicable codes and/or regulations.
- (e) Vapor Recovery Systems required under Section (C)(1) or Section (C)(2) shall at all times be operated and maintained in accordance with the manufacturer's specifications and the State's certification.
- (f) When deficiencies are detected and are associated with any vapor recovery, storage, delivery vessel or dispensing equipment, the Owner/Operator shall at the End of Cycle remove the equipment from service and not use the equipment until it has been repaired, replaced or adjusted as required to comply with the provisions of this rule and applicable Executive Order(s).
- (g) A person shall not perform or permit a "pump-out" (bulk transfer) of Gasoline from a storage tank subject to Section (C)(1) unless such bulk transfer is performed using a Vapor Recovery System capable of returning the displaced vapors from the delivery vessel or other tank being filled back to the stationary storage tank.

- (h) A person shall not store, or allow the storage of, Gasoline in any stationary storage tank with a capacity of more than 251 gallons (950 liters) unless such tank:
 - (i) Complies with Rule 463; or
 - (ii) Is equipped with a Phase I Vapor Recovery System.
- (i) The Owner/Operator of any Gasoline Transfer and Dispensing Facility subject to Section (C)(2) above shall conspicuously post District-required signs specified in Attachment A of this rule in the immediate Gasoline dispensing area.
- (j) A fueling dispenser must be clearly labeled if it is not intended to be used to fuel Motor Vehicles.
- (k) Gasoline shall not be stored in open container(s) of any size or handled in any manner (spillage, spraying, etc.) that permits Gasoline or Gasoline Vapors to enter the atmosphere, contaminate the ground, groundwater, stormwater or the sewer systems.
- (l) The Owner/Operator of a new or Altered Gasoline Transfer and Dispensing Facility, shall have all Phase I and Phase II Vapor Recovery Systems inspected upon completion of the construction to verify that all components were installed in accordance with the description specified in the Authority to Construct and in compliance with all District requirements. The District shall be notified in writing of any changes to the information and specifications submitted with the application under which the Authority to Construct was issued.
- (m) The failure of an Owner/Operator of any Gasoline Transfer and Dispensing Facility to meet any requirements of section (C) of this rule shall constitute a violation. Such non-compliant equipment shall be tagged "Out of Order."
- (n) Except during repair activity, the "Out of Order" tag specified in subsection (C)(3)(m) shall not be removed and the non-compliant equipment shall not be used, permitted to be used, or provided for use unless all of the following conditions are satisfied:
 - (i) The non-compliant equipment has been repaired, replaced, or adjusted, as necessary;
 - (ii) The Owner/Operator has notified the District of the repairs by completing, signing and submitting the form supplied by the District.
 - (iii) The non-compliant equipment has been reinspected and/or authorized for use by the District.

(4) Self-Compliance Program Requirements

The Owner/Operator of any Retail Gasoline Transfer and Dispensing Facility shall implement a self-compliance program as follows:

- (a) The self-compliance program shall include the following elements:
 - (i) Weekly maintenance inspections shall be conducted in accordance with the protocol specified in Attachment B to ensure proper operating conditions of all components of the Vapor Recovery Systems.
 - (ii) Periodic compliance inspections shall be conducted at least once every twelve months and in accordance with the protocol specified in Attachment C to verify the compliance with all applicable District rules and regulations, as well as all permit conditions.
 - (iii) Maintenance schedules consistent with the applicable Phase I and Phase II Vapor Recovery Systems and components installed at the Gasoline Transfer and Dispensing Facility.
 - (iv) An employee training program including the following:
 - a. Itemized training procedures for employees responsible for conducting any part of the self-compliance program.
 - b. A training schedule to periodically train any employee responsible for conducting any part of the self-compliance program.
 - c. A record for each employee of the dates of training provided and the next training date.
 - d. A procedure to review and establish any additional necessary training following any changes or updates to the CARB Executive Order for the installed Vapor Recovery System.
- (b) Any equipment with Major Defect(s) which are identified during the weekly maintenance inspections or periodic compliance inspections shall be removed from service, repaired, brought into compliance, and duly entered into the repair logs required under section (E) of this rule, for record keeping, before being returned to service.
- (c) Defects discovered during self-inspection and repair shall not constitute a violation of Rule 461.

(D) Exemptions

- (1) The provisions of this rule shall not apply to the transfer of Gasoline:
 - (a) Into or from any stationary storage tank of less than 550 gallons capacity, which is used for the fueling of implements of husbandry as such Vehicles are defined in Division 16 (Section 36000 et. seq.) of the California Vehicle Code, if such tank is equipped with a permanent Submerged Fill Pipe.

- (b) Into or from any underground stationary tank using only hand pumping, for the purpose of providing emergency services during loss of commercial power, where the APCO has certified that such pumping cannot comply with the provisions of Section (C)(2) and where such hand pumping capability is otherwise required by law or regulation.
- (c) Into or from any stationary storage tank of any Retail Gasoline Station installed prior to December 19, 1988 which meets all the following conditions:
 - (i) The monthly Gasoline Throughput of the Facility does not exceed 10,000 gallons and the annual Gasoline Throughput of the Facility does not exceed 60,000 gallons, on a calendar month and calendar year basis, respectively, beginning with 1988.
 - (ii) The Facility has not been modified after December 19, 1988 where modified means the installation of a new tank, replacement of any existing tank, and/or excavation (exposing) of 50 percent (50%) or more of a Facility's total underground liquid piping from the stationary storage tanks to the Gasoline dispensers.
 - (iii) The transfer of Gasoline from any delivery Vehicle into those stationary storage tanks with a capacity of more than 251 gallons (950 liters) is limited to those tanks which are equipped with permanent Submerged Fill Pipes.
 - (iv) All dispensing nozzles are equipped with a hold-open latch unless the local fire code, or State Fire Marshal prohibits the use of the hold-open latch.
 - (v) The Facility Owner/Operator provides adequate evidence:
 - a. That compliance would be economically prohibitive and the alternative would be closure of the Facility.
 - b. That the Facility provides essential emergency fueling for Motor Vehicles and closure would result in a lessening of public safety.
 - c. That no other non-exempt retail Facility open during reasonable hours exists within a driving distance of 5 miles.
 - (vi) The Owner/Operator receives written approval from the District APCO in response to a formal request for exemption. Such exemptions shall be based solely on the evidence demonstrating the validity of the conditions listed above. If during any calendar month thereafter the Gasoline throughput exceeds 10,000 gallons, the exemption shall cease, effective the first day of the following calendar month. If during any calendar year thereafter the Gasoline throughput exceeds 60,000 gallons, the exemption shall cease effective the first day of the following calendar year.
- (2) Existing facilities that no longer meet exemption criteria shall:
 - (a) Secure an Authority to Construct from the District prior to the commencement of modifications.

- (b) Secure all other permits and approvals as required.
 - (c) Assure compliance with Sections (C)(1) and (C)(2) at the time Gasoline is first received or dispensed from the Facility.
- (3) The requirements of (C)(2) shall not apply to dedicated, non-public accessible, fuel dispensing equipment serving Vehicle fleets where 95 percent (95%) of the fleet Vehicles are equipped with Onboard Refueling Vapor Recovery (ORVR) systems. To qualify for this exemption, the fleet Operator must also own the Gasoline Transfer and Dispensing operation that services the Vehicle fleet, and maintain records as outlined in (E)(3)(6) supporting ORVR fleet exemption.
- (a) Prior to operating under the exemption in Section (D)(3), Owner/Operator shall obtain a valid Authority to Construct or Permit to Operate allowing such operations.
- (4) Any Facility classified as exempt or claiming to be exempt pursuant to this section shall meet the same record keeping requirements as expressed in Section (E) of this rule so as to be able to prove the claimed exempt status.

(E) Recordkeeping

A person who performs the installation of components, self-compliance inspections, repairs or testing at any Gasoline Transfer and Dispensing Facility, including, but not limited to, the activities for normal operation and maintenance, Performance Testing, Re-Verification Testing and those following a drive-off, shall provide to the Owner/Operator all records listed below, as applicable, at the end of each day when the service is provided.

The Owner/Operator of any Retail or non-retail Gasoline Dispensing Facility shall maintain all records listed below and any other test results or maintenance records that are required to demonstrate compliance on site for a period of at least two (2) years, or five (5) years for Title V facilities. Notwithstanding, records for non-retail Gasoline Dispensing Facilities that are unmanned may be kept at other locations approved by the APCO. All records shall be made available to the APCO upon request both on site during inspections and offsite as specified.

- (1) Records of all components installed, defective components identified or repaired during self-compliance inspections.
- (2) Repair logs, which shall include:
 - (a) Date and time of each repair.
 - (b) The name of the person(s) who performed the repair, and, if applicable, the name, address and phone number of the person's employer.
 - (c) Description of service performed.

- (d) Each component that was installed, repaired, serviced, or removed, including the required component identification information pursuant to subsection (C)(3)(b).
 - (e) Each component that was installed as a replacement, if applicable, including the required component identification information pursuant to subsection (C)(3)(b).
 - (f) Receipts for parts used in the repair and, if applicable, work orders, which shall include the name and signature of the person responsible for performing the repairs.
- (3) Records of tests, which shall include:
- (a) Date and time of each test.
 - (b) Name, affiliation, address and phone number of the person(s) who performed the test.
 - (c) Test data and calibration data for all equipment used.
 - (d) Date and time each test is completed and the Facility Owner/Operator is notified of the results. For a test that fails, a description of the reasons for the test failure shall also be included.
 - (e) For a re-test following a failed performance or reverification test, description of repairs performed pursuant to subsection (F)(1) and (F)(2).
 - (f) Copies of test reports in District approved format.
- (4) Monthly Gasoline throughput records.
- (5) Records to prove that the installer/contractor who installed or altered the Enhanced Vapor Recovery (EVR) equipment has successfully completed a manufacturer training program and any relevant state certification program applicable to the Phase I and Phase II Enhanced Vapor Recovery systems and associated components as specified in subsection (C)(3)(b).
- (6) Recordkeeping for Exempt Fleets An Owner/Operator claiming exemption under Section (D)(3) shall keep a record of the make, model, model year, and Vehicle identification number of all Vehicles refueled at the Gasoline Dispensing Facility. These records shall be maintained on the premises for at least two (2) calendar years.

(F) Performance Testing and Re-Verification Requirements

- (1) Within 60 calendar days or after dispensing the first 60,000 gallons of fuel into a Mobile Fueler or a Vehicle fuel tank, the Owner/Operator of a new or Altered Gasoline Transfer and Dispensing Facility shall conduct and successfully pass the Performance Tests in accordance with the test methods referenced in applicable

CARB Executive Orders as specified in section (G), as well as any additional tests required by District Permits, to verify the proper installation and operation of Phase I and Phase II Vapor Recovery Systems. Test results shall be submitted as stated in subsections (F)(3)(d) and (F)(3)(e).

- (2) The Owner/Operator shall conduct and successfully pass the Re-Verification Tests in accordance with the test methods referenced in section (G), and any additional tests required by the applicable CARB Executive Orders or District Permits, to verify the proper operation of the Vapor Recovery Systems. Test results shall be submitted as stated in subsections (F)(3)(d) and (F)(3)(e).
 - (a) The Re-Verification Tests at Retail and Non-Retail Gasoline Transfer and Dispensing Facilities shall be conducted annually.
 - (b) Re-Verification Testing shall be conducted no later than the last day of the same month the testing occurred in the prior year. When a new Performance Test schedule is required due to a Facility alteration, new Re-Verification Testing months shall be established based on the date of the Performance Tests.
 - (c) In case of a change of Owner/Operator, the new Owner/Operator shall conduct the next Re-Verification Test on the same testing month as established by the previous Owner/Operator, if the previous Re-Verification Testing records are available. When no testing records are available, the new Owner/Operator shall complete all the applicable Re-Verification Testing within 60 calendar days of the change of Owner/Operator.
- (3) A person who conducts performance or Re-Verification Tests shall comply with all of the following:
 - (a) Conduct performance or Re-Verification Tests in accordance with the applicable test methods referenced in section (G) and other CARB testing procedures. Tests shall be conducted using calibrated equipment meeting the calibration range and calibration intervals specified by the manufacturer.
 - (b) Notify the District at least ten calendar days prior to testing. In the event that a Performance Test or Re-Verification Test cannot be conducted at the scheduled date and time, the test may be rescheduled to a later date and time provided that the District is notified at least 24 hours prior to the originally scheduled time. All notification under this subsection shall be provided by District approved methods.
 - (c) Conduct performance and Re-Verification Tests during normal District business hours. The APCO may approve alternative testing.
 - (d) Submit a copy of the PASS/FAIL test results in a District approved format to the APCO within 30 calendar days after each test is conducted. The PASS/FAIL test results are a summary of the overall results of each test.

- (e) Submit the final test report demonstrating compliance within 30 calendar days of the date when all tests were passed. The test report shall include all the required records of all tests performed, test data, current MDAQMD Facility ID number of the location being tested, the equipment Permit to Operate or Application number and, a statement whether the system or component tested meets the required standards.
- (4) The Owner/Operator shall not operate or resume operation of a Gasoline Transfer and Dispensing Facility, unless the Facility has successfully passed the applicable performance or Re-Verification Tests. Notwithstanding the above, when a dispenser associated with any equipment that has failed a Re-Verification Test is isolated and shut down, the Owner/Operator may continue operation or resume operation of the remaining equipment at the Facility, provided that test results demonstrate that the remaining equipment is in good operating condition. All test results and the method of isolating the defective equipment shall be documented in the test reports to be submitted to the APCO pursuant to subsection (F)(3)(c)-(e).

(G) Test Methods for Compliance Verification

When more than one test method is specified, a violation of any one test is a violation of the rule.

- (1) All required tests shall be conducted in accordance with the most recently CARB approved version of CARB test methods or as stated in the applicable CARB Executive Orders including the corresponding Installation, Operation and Maintenance Manual test procedures or any other test methods approved in writing by the USEPA, CARB, and the District.

See SIP Table at <http://www.mdaqmd.ca.gov/>

ATTACHMENT A

MDAQMD-REQUIRED SIGNS

(A) The Operator shall post the following signs:

- (1) "NOZZLE" operating instructions;
- (2) Mojave Desert AQMD's toll-free telephone number (800) 635-4617; and
- (3) A "warning" stating:

TOXIC RISK

FOR YOUR OWN PROTECTION DO NOT BREATHE FUMES

DO NOT TOP OFF TANKS"

(B) All required signs shall conform to all of the following:

- (1) For decal signs:
 - (a) Each sign shall be visible from all Fueling Positions it serves; and
 - (b) Sign shall be readable from a distance of 3 feet.
- (2) All other signs:
 - (a) For pump toppers, one double-back sign per island;
 - (b) For permanent (non-decal) signs, two single-sided or one double-sided sign(s) per two (2) dispensers; and
 - (c) All signs shall be readable from a distance of 6 feet

This Page Intentionally Left Blank

ATTACHMENT B

MAINTENANCE INSPECTION PROTOCOL

The Owner/Operator of a Retail Gasoline Transfer and Dispensing Facility shall at minimum verify the following during required maintenance inspections:

(A) PHASE II VAPOR RECOVERY SYSTEM INSPECTION

- (1) The fueling instructions are clearly displayed with the appropriate toll-free complaint phone number and toxic warning signs.
- (2) The following nozzle components are in place and in good condition, as specified in CARB Executive Orders:
 - (a) faceplate/facecone; vapor splash guard/fill guard/efficiency compliance device (ECD)/VEG
 - (b) bellows
 - (c) latching device spring
 - (d) Vapor Check Valve
 - (e) spout (proper diameter/vapor collection holes)
 - (f) Insertion Interlock Mechanism
 - (g) automatic shut-off mechanism
 - (h) hold open latch
- (3) The hoses are not torn, flattened or crimped.
- (4) For Vacuum-Assist Systems, the vapor processing unit and burner are functioning properly.

(B) RECORDS OF DEFECTIVE COMPONENTS

This Page Intentionally Left Blank.

ATTACHMENT C

PERIODIC COMPLIANCE INSPECTION PROTOCOL

The Owner/Operator of a Retail Gasoline Transfer and Dispensing Facility shall at minimum verify the following during the periodic compliance inspections:

(A) GENERAL INSPECTION

- (1) The District permit is current.
- (2) The equipment and District permit description match.
- (3) The Facility complies with all permit conditions.
- (4) The required sign is properly posted and the sign contains all the necessary information (i.e., toll-free complaint phone number, toxic warning sign, etc.).

(B) PHASE I VAPOR RECOVERY SYSTEM INSPECTION

- (1) The spill container is clean and does not contain Gasoline.
- (2) The fill caps are not missing, damaged or loose.
- (3) If applicable:
 - (a) The spring-loaded Submerged Fill Tube seals properly against the coaxial fitting.
 - (b) The Dry Break (poppet valve) is not missing or damaged.
- (4) The Submerged Fill Tube is not missing or damaged.
- (5) The distance between the highest level of the discharge opening of the Submerged Fill Tube and the bottom of the stationary storage tank does not exceed six inches (6").
- (6) The Phase I Vapor Recovery System complies with required CARB certification and is properly installed.
- (7) The Spill Box complies with required CARB certification and is properly installed.
- (8) The vent pipes are equipped with CARB Certified Pressure/Vacuum Relief Valves.

(C) PHASE II VAPOR RECOVERY SYSTEM INSPECTION

- (1) The fueling instructions are clearly displayed.
- (2) Each nozzle is the current CARB-certified model.
- (3) Each nozzle is installed in accordance with the applicable CARB Executive Orders.
- (4) The following nozzle components are in place and in good condition, as specified in CARB Executive Orders or California Code of Regulations, Title 17, Part III, Chapter 1, subchapter 8, section 94006 or Health and Safety Code Section 41960.2 (e):
 - (a) faceplate/facecone; vapor splash guard/fill guard/efficiency compliance device (ECD)
 - (b) bellows
 - (c) latching device spring
 - (d) Vapor Check Valve
 - (e) spout (proper diameter/vapor collection holes)
 - (f) Insertion Interlock Mechanism
 - (g) automatic shut-off mechanism
 - (h) hold open latch
- (5) The hoses are not torn, flattened or crimped.
- (6) The vapor recovery hoses are the required size and length.
- (7) The hoses with retractors are adjusted to maintain a proper loop, and the bottom of the loop is within the distance from the island surface certified by the CARB Executive Order for that particular dispenser configuration.
- (8) The vapor recovery nozzles are equipped with required hoses.
- (9) The bellows-equipped vapor recovery nozzles are equipped with "CARB Certified" Insertion Interlock Mechanisms.
- (10) If required, the flow limiter is not missing and is installed properly.
- (11) The swivels are not missing, defective, or leaking, and the dispenser-end swivels, if applicable, are Fire-Marshall approved with 90-degree stops.

- (12) If required, the Liquid Removal Devices comply with required CARB certifications and are properly installed.
- (13) For Bellows-Less Nozzles, the hoses are inverted coaxial type except for Hirt systems, and the vapor collection holes are not obstructed.
- (14) For Vacuum-Assist Systems, the vapor processing unit and burner are functioning properly.
- (15) For Aspirator-Assist Systems, the major components (i.e. aspirator or jet pump, modulating valve, and Vapor Check Valve) are present inside each dispenser. For Aspirator-Assist Systems with certification-required calibration stickers, the current calibration sticker is present.

This page intentionally left blank.

RULE 462

Organic Liquid Loading

(A) General Description

- (1) Purpose:
 - (a) To control emissions of Volatile Organic Compounds (VOC) and toxic compounds from facilities that transport and load organic liquids into tanks, including Motor Vehicle fuel tanks, tank trucks, trailers or railroad tank cars.
- (2) Applicability:
 - (a) The provisions of this rule shall apply to all Class “A” or “B” Facilities, Retail and non-retail service stations or any other facility where Organic Liquids are stored or transferred.
- (3) Severability:
 - (a) If any portion of this rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms*, shall apply unless a term is otherwise defined herein:

- (1) “Class A Facility” – Any Organic Liquid Loading Facility loading 5,000,000 gallons (18,925,000 liters) or more per year and/or 20,000 gallons (73,700 liters) or more on any day of Organic Liquids with a True Vapor Pressure, determined at actual storage conditions, of 77.5 mm (1.5 psia) or greater into any tank truck, trailer, or railroad tank car.
- (2) “Class B Facility” – Any Organic Liquid Loading Facility loading less than 5,000,000 gallons (18,925,000 liters) per year. with a True Vapor Pressure, determined at actual storage conditions, of 77.5 mm (1.5 psia) or greater into any tank truck, trailer, or railroad tank car.
- (3) “Vapor Tight” – means the detection of less than 3,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21

(C) Requirements

(1) Loading Requirements at Class “A” Facilities

- (a) Each Class A Facility loading Organic Liquids shall be equipped with:
 - (i) A CARB Certified Vapor Recovery and/or disposal system.
- (b) The loading of Organic Liquids shall be accomplished in such a manner that the displaced organic vapors and air are vented under design conditions to the Vapor Recovery and/or disposal system.
- (c) Each Vapor Recovery and/or disposal system shall reduce the emissions of VOCs to 0.08 pound or less per thousand gallons (10 grams per 1,000 liters) of Organic Liquid transferred.
- (d) The backpressure in the Vapor Recovery and/or disposal system shall not exceed 18 inches of water column pressure.
- (e) Any Class “A” facility transferring Gasoline into any truck, trailer, or railroad tank car shall be designed and operated for bottom loading only.
- (f) The transfer equipment shall be maintained Vapor Tight and Liquid Tight, and operated so that there are no overfills.
- (g) Tanker truck liquid loading hoses and vapor return hoses shall be capped, plugged, or have a secondary valve closed whenever the hoses are not in active use to maintain equipment in a Vapor Tight and Liquid Tight condition.

(2) Loading Requirements at Class “B” Facilities

- (a) Each Class B Facility loading Organic Liquids shall be equipped with:
 - (i) A CARB Certified Vapor Recovery and/or disposal system with a Vapor Recovery Efficiency of 95 percent (95%).
 - a. The backpressure in the Vapor Recovery and/or disposal system shall not exceed 18 inches of water column pressure.
 - (ii) A Submerged Fill Loading or bottom fill loading system. All Gasoline or equivalent vapor pressure Organic Liquids shall be transferred in this manner.
 - (iii) A pressure vacuum valve on the aboveground stationary storage tank with a minimum pressure valve setting of eight (8) ounces per square inch, provided that such setting will not exceed the tank’s maximum pressure rating. This requirement does not pertain to Floating Roof Tanks.

- (b) The transfer equipment shall be operated and maintained so that there are no overfills, facility vapor leaks, liquid leaks, or liquid leaks from disconnect operations.

(D) Additional Requirements

- (1) Other agency requirements - The Vapor Recovery Systems used to comply with the provisions of this Rule shall also comply with all safety, fire, weights and measures, and other applicable codes and/or regulations, including those listed in the California Health and Safety Code Sections 41950 - 41974.
- (2) Vapor Tight and Liquid Tight - All of the components of the facility including but not limited to tanks, flanges, seals, pipes, pumps, valves, meters, connectors, shall be maintained Vapor Tight and Liquid Tight and operated so as to prevent excess Organic Liquid drainage during transfer, storage and handling operations.
- (3) Organic Liquid Transport
 - (a) A person shall not allow loading or unloading of Organic Liquid, or other use or operation of any designated transporting vessel unless the vessel has a valid certification of vapor integrity as defined by the applicable Air Resources Board Certification and Test Procedures, pursuant to Health and Safety Code Section 41962(9) and the California Administrative Code Title 17, Section 94004.
 - (b) Vapor leaks from dome covers, pressure vacuum vents or other sources shall be determined in accordance with EPA Method 21.
- (4) Switch Loading

Uncontrolled Switch Loading is prohibited except at Class B Facilities where:

 - (a) Any vapors vented to the atmosphere do not at any point during the transfer exceed 10,000 ppmv, measured as equivalent methane, with a portable hydrocarbon analyzer in accordance with EPA Method 21, or
 - (b) Emissions are controlled by a Vapor Recovery System.
- (5) Leak Inspection Requirements
 - (a) The Owner/Operator of any Class A or B, facility shall be required to perform an inspection of the vapor collection system, the vapor disposal system, and each loading rack handling Organic Liquids, for facility vapor leaks or liquid leaks of volatile organic compounds on one of the following schedules:
 - (i) Monthly if sight, sound, and smell are used as detection methods.

- a. If leak inspections are conducted monthly by sight, sound and smell, an organic vapor analyzer (OVA) must be used to conduct checks every six months.
 - (ii) Quarterly if an OVA is used to monitor for facility vapor leaks.
 - (b) Each detection of a leak shall be repaired or replaced within 72 hours. The repaired or replaced component shall be reinspected the first time the component is in operation after the repair or replacement.
- (6) Distribution of Responsibilities
- (a) The Owner/Operator of an Organic Liquid Loading Facility is responsible and liable for complying with the provisions of this rule, and for maintaining the equipment at the facility in such condition that it can comply with the requirements of this rule if properly operated. If employees of the Owner/Operator of the facility supervise or otherwise facilitate the transfer operation, the Owner/Operator of the facility shall be responsible for ensuring that the transfer operation complies with all requirements of this rule and that the transfer equipment is properly operated.
 - (b) The Owner/Operator, or driver of a tank truck, trailer, or railroad tank car is responsible for complying with Subsections (D)(2) and (D)(3) of this rule.

(E) Exemptions

- (1) The provisions of subparagraphs (C)(1)(e) and (C)(2)(b) shall not apply to components found in violation of facility vapor leaks or liquid leaks either of which is detected and recorded originally by the Owner/Operator, provided the repair or replacement of applicable equipment is completed within the specified period as given in subparagraph (D)(5)(b).

(F) Record Keeping and Reporting

- (1) Any facility subject to this rule shall, as a minimum, maintain the following records:
 - (a) The Owner/Operator shall maintain a log of all inspections, repairs, description of leaks, and maintenance on equipment subject to this rule. Such logs or records shall be maintained at the facility for at least 2 years (5 years for Title V facilities and sources subject to MACT standards) and shall be made available to the APCO upon request.

- (b) The Owner/Operator of a Class A or Class B Facility shall prepare a log demonstrating:
 - (i) Daily Throughput.
 - (ii) Monthly Throughput Summary - for a rolling twelve month period.
 - (iii) Average stored volume over the 24 hour period (midnight to midnight).
 - (iv) Daily storage and transfer temperatures of the organic liquid.
 - (v) Results of leak inspection checks.
 - (vi) Stored product's name and Chemical Abstracts Service (CAS) number.
- (2) Any facility classified as exempt or claiming to be exempt shall meet the same record keeping requirements of this rule so as to be able to prove the exemption status.

(G) Test Methods for Compliance Verification

- (1) When more than one test method is specified for testing, a violation determined by any one of these test methods shall constitute a violation of the rule.
 - (a) ASTM METHOD D-323-06: Reid vapor pressure shall be determined in accordance with American Society of Testing and Materials D323-06, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
 - (b) ASTM METHOD D-2879-97 (2002)(e1): True vapor pressure shall be determined in accordance with American Society of Testing and Materials D2879-97(2002)(e1), Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope.
 - (c) EPA METHODS 2A OR 2B: The gas flow rate shall be determined in accordance with EPA Method 2A, Direct Measurement of Gas Volume Through Pipes and Small Ducts; or EPA Method 2B, Determination of Exhaust Gas volume flow rate From Gasoline Vapor Incinerators, as applicable.
 - (d) EPA METHOD 21: The gas tight condition shall be determined in accordance with EPA Method 21, Determination of Volatile Organic Compound Leaks, using a portable analyzer calibrated with methane gas.
 - (e) EPA METHODS 25, 25A OR 25B: VOC emissions shall be determined in accordance with EPA Method 25 – Gaseous Nonmethane Organic Emission, or 25A - Gaseous Organic Concentration, Flame Ionization; or EPA Method 25B - Gaseous Organic Concentration, Infrared Analyzer, as applicable.

- (f) CARB TEST PROCEDURE TP-203.1: The terminal vapor recovery system efficiency shall be determined in accordance with CARB Vapor Recovery Test Procedure TP-203.1, Determination of Emission Factor of Vapor Recovery Systems of Terminals.
 - (g) CARB CERTIFICATION PROCEDURE CP-202 – CERTIFICATION PROCEDURE FOR VAPOR RECOVERY SYSTEMS OF BULK PLANTS: Vapor Recovery efficiency for shall be determined in accordance with CARB Certification Procedure CP-202.
- (2) Other test methods demonstrated to provide results that are acceptable for determining Reid or true vapor pressure for purposes of demonstrating compliance with this rule, after review and approval in writing by the District, the ARB, and the U.S. EPA, may also be used.

See SIP Table at <http://www.mdaqmd.ca.gov/>

RULE 463

Storage of Organic Liquids

(A) General Description

(1) Purpose:

To control the emissions of Volatile Organic Compounds (VOC) and toxic compounds during the storage of organic liquids.

(2) Applicability:

- (a) All aboveground Gasoline storage tanks of capacity of at least 250 gallons (950 liters);
- (b) All aboveground Organic Liquid storage tanks of capacity of at least 19,815 gallons (75,000 liters); and
- (c) All Organic Liquid storage tanks of capacity of at least 39,630 gallons (150,000 liters).

(3) Severability:

- (a) If any portion of this rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms*, shall apply unless a term is otherwise defined herein:

- (1) “Metallic-Shoe Seal” - A type of seal used to minimize evaporative losses of Organic Liquids from a storage tank equipped with an External Floating Roof. It serves as a primary seal, and is constructed with vertical metal plates or "shoes", connected by braces or other devices to the circumference of the floating roof. They are partially immersed in the liquid being stored, and are suspended in such a way that they are forced outward against the inner tank wall.
- (2) “Resilient-Toroid Seal” - A type of seal used to minimize evaporative losses of Organic Liquids from a storage tank equipped with an External Floating Roof. It is a toroidal tube, or "donut", made of fabric or other resilient material, that rests on the surface of the stored liquid. It serves as a primary seal that minimizes evaporative losses from the tank. The toroid seal may be filled with air, foam, or other resilient material.

- (3) “Vapor Tight” – is the detection of less than 1,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21.

(C) Requirements

- (1) Tanks Over 39, 630 gallons of Capacity

No person shall place, store or hold in any storage tank, with a capacity of 39,630 gallons (150,000 liters) or greater, any organic liquid having a True Vapor Pressure of 25.8 mm Hg (0.5 psi) or greater, unless such tank is a pressure tank maintaining working pressures sufficient at all times to prevent organic vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, which is properly installed, properly maintained, and in good operating order:

- (a) An External Floating Roof, that rests on the surface of the liquid contents at all times, except as provided in Subsection (C)(3)(c) and is equipped with a closure device between the tank shell and roof edge. Except as provided in Subsections (C)(1)(a)(iii) and (C)(1)(a)(iv), the closure device shall consist of two seals, one above the other; the one below shall be referred to as the primary seal, and the one above shall be referred to as the secondary seal. Seal designs shall be submitted to the APCO and shall not be installed or used unless they are approved by the APCO as meeting the criteria set forth in Section (F) - Specifications for Closure Devices, as applicable.
- (i) For a closure device on a welded tank shell which uses a Metallic-Shoe- Seal as its primary seal: refer to Section (F)(1) for specifications.
- (ii) For a closure device which uses a Resilient-Toroid- Seal as its primary seal: refer to Section (F)(2) for specifications.
- (iii) For a closure device on a riveted tank shell which uses a Metallic-Shoe- Seal as its primary seal: refer to Section (F)(3) for specifications.
- (iv) EXEMPTION: The requirements of Subsections (F)(1) through (F)(3) shall not apply to any person who demonstrates to the APCO that a closure device has been installed, which by itself or in conjunction with other vapor loss control devices, controls vapor loss at all tank levels with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Subsection (F)(1). This exemption is subject to the specifications of Section (F)(4) of this rule.
- (v) ANNUAL DISTRICT INSPECTIONS: The primary seal envelope shall be made available for unobstructed inspection by the APCO on an annual basis at the location selected along its circumference at random by the APCO. In the case of riveted tanks with toroid-type seals, eight such locations shall be made available; in all other cases, four such locations shall be made

available. If a violation is discovered during an annual inspection, the APCO may require further unobstructed inspection of the primary seal to determine the seal condition for its entire circumference. In addition, for tanks installing a secondary seal the primary seal envelope shall be made available for inspection by the APCO prior to installation of the secondary seal. Secondary seals that are already in place shall be made available for unobstructed inspection by the APCO for its full length every five (5) years. In the event that a secondary seal is voluntarily removed by the Owner/Operator, it shall be made available for such inspection at that time. The Owner/Operator shall provide notification to the APCO no less than seven (7) working days prior to voluntary removal of the secondary seal.

- (vi) All openings in the roof except Pressure-Vacuum Valves, which shall be set to within ten percent (10%) of the maximum allowable working pressure of the roof, shall provide a projection below the liquid surface to prevent belching of liquid and to prevent entrained or formed organic vapor from escaping from the liquid contents of the tank and shall be equipped with a cover, seal, or lid. The cover, seal, or lid shall at all times be in closed position, with no visible gaps, except when the device or appurtenance is in use.
 - (vii) Any emergency roof drain shall be provided with a slotted membrane fabric cover, or equivalent, that covers at least nine-tenths of the area of the opening.
 - (viii) A floating roof shall not be used if the organic liquid stored has a True Vapor Pressure of 569 mm Hg (11 psi) absolute or greater under storage conditions.
- (b) A fixed roof with an internal-floating-type cover that rests on the surface of the liquid contents at all times except as provided in Subsection (C)(3)(c) and is equipped with a closure device.
- (i) For a fixed roof tank the closure device shall consist of either a liquid mounted primary seal only, or two seals: a primary and a secondary seal. All openings and fittings shall be fully gasketed and/or controlled in a manner specified by the APCO. The closure device shall control vapor loss with an effectiveness equivalent to the outlined criteria in Subsection (F)(1). Internal Floating Roof and seal designs shall be submitted to the APCO and shall not be installed or used unless they are approved by the APCO.
 - (ii) A fixed roof tank with an internal-floating-type cover shall not be used if the organic liquid stored has a True Vapor Pressure of 569 mm Hg (11 psi) absolute or greater under actual storage conditions.
 - (iii) Compliance shall be verified by measuring the vapor space above the floating roof with an explosimeter, which will determine the lower explosive limit (LEL). LEL readings for the Internal Floating Roof shall not exceed 50 percent (50%) for those installed

prior to December 19, 1988 and 30 percent (30%) of the LEL for those installed after December 19, 1988.

- (iv) Visual inspection of the secondary seal shall be performed by the tank operators semi-annually. A record of such inspections shall be maintained and such records shall be made available for review by the APCO upon request.
 - (v) The primary and secondary seals shall be inspected and repaired, if necessary, each time the tank is emptied and gas-freed. The APCO shall be notified at least 48 hours in advance of each such gas-freeing.
- (c) A fixed roof tank with a vapor recovery system consisting of a system capable of collecting all organic vapors and gases, and a vapor return or disposal system capable of processing such vapors and gases, so as to prevent their emission to the atmosphere at an efficiency of at least 95 percent (95%) by weight.
- (i) Any tank gauging or sampling device on a tank vented to the vapor recovery system shall be equipped with a Vapor Tight cover which shall be closed at all times except during gauging or sampling.
 - (ii) All piping, valves and fittings shall be constructed and maintained both Liquid Tight and Vapor Tight, such that no organic vapor or gas leaks are detectable.
- (d) Other equipment, having a vapor loss control efficiency of at least 95 percent (95%) by weight, shall provide an application for installation and obtain written approval from the APCO prior to the commencement of construction and/or operation.

(2) Tanks with 39,630 Gallons or Less Capacity

A person shall not place, store or hold in any aboveground storage tank with a capacity of 39,630 gallons (150,000 liters)) or less, any organic liquid having a True Vapor Pressure of 77.5 mm Hg (1.5 psia) or greater under actual storage conditions, unless such tank is equipped with a pressure-vacuum valve which is set to within ten percent (10%) of the maximum allowable working pressure of the tank, or is equipped with a vapor loss control device which complies with the requirements set forth in Section (C)(1).

(3) Additional Requirements

- (a) All of the components of a facility including but not limited to tanks, flanges, seals, pipes, pumps, valves, meters, connectors, shall be maintained and operated so as to prevent Fugitive Vapor Leaks, Fugitive Liquid Leaks, and excess organic liquid drainage during transfer, storage and handling operations.
- (b) Efficiency, as outlined in Subsections (C)(1)(c) and (C)(1)(d) means a comparison of controlled emissions to those emissions which would occur from a fixed or cone roof tank in the same product service without a vapor

control system. Base line emissions shall be calculated by using the criteria outlined in American Petroleum Institute Bulletin 2518.

- (c) The roof of any Internal or External Floating Roof tank is to be floating on the liquid at all times (i.e. free of the roof leg supports) except when the tank is being completely emptied for cleaning, or repair. The process of emptying, and/or refilling, when the roof is resting on the leg supports, shall be continuous and shall be accomplished as rapidly as possible, and;
 - (i) If the tank has been gas-freed and is to be refilled with Gasoline, the roof shall be refloated with water, or equivalent procedure approved by the APCO.
- (d) Floating Roof Tank Inspection Requirements:
 - (i) All floating roof tanks subject to this rule shall be inspected twice per year at 4 to 8 months intervals.
 - (ii) Additionally, the primary and secondary seals shall be inspected each time a floating roof tank is emptied and degassed. Gap measurements shall be performed on an External Floating Roof tanks when the liquid surface is still but not more than 24 hours after the tank roof is refloated.
- (e) Floating Roof Tank Maintenance Requirements:

Any floating roof tank which does not comply with any provision of this rule shall be brought into compliance within 72 hours of the determination of non-compliance. The repaired or replacement component shall be reinspected the first time the component is in operation after the repair or replacement.
- (f) Non-Floating Roof Tank Inspection Requirements:

Any tank in retail service shall be inspected for compliance with this rule not less frequently than once per month. All other tanks shall be inspected not less than once a year.

(D) Record Keeping and Recording

- (1) A person whose tanks are subject to this rule shall keep an accurate record of liquids stored in such tanks and the True Vapor Pressure ranges of such liquids.
- (2) Organic liquids listed on the addendum to this rule shall be deemed to be in compliance with the appropriate vapor pressure limits for the tank in which it is stored, provided the actual storage temperature does not exceed the corresponding maximum temperature listed as recorded on a daily basis.
- (3) The Owner/Operator shall maintain a log of all inspections, repairs and maintenance on equipment subject to this rule. Such a log or records shall be

maintained at the facility for at least five (5) years and shall be made available to the APCO upon request.

(E) Exemptions

- (1) The provisions of Subsection (C)(3)(c) shall not apply to Gasoline storage tanks at bulk Gasoline distribution terminals which do not have:
 - (a) Existing facilities for treatment of wastewater used to refloat the tank roof; or
 - (b) Facilities for equivalent emission control when refloating the roof with product.
- (2) Notwithstanding the secondary and primary seal requirements of subparagraphs (F)(1), a secondary or primary seal may be loosened or removed for preventive maintenance, inspection and/or repair upon prior notification and subject to the prior written approval of the APCO and for a period not exceeding 72 hours.

(F) Specifications for Closure Devices

- (1) For a closure device on a welded tank shell which uses a Metallic-Shoe- Seal as its primary seal:
 - (a) Gaps between the tank shell and the primary seal shall not exceed 1 ½ inches (3.8 centimeters) for an accumulative length of 10 percent (10%), ½ inch (1.3 centimeters) for another 30 percent (30%), and 1/8 of an inch (0.32 centimeter) for the remaining 60 percent (60%) of the circumference of the tank. No gap between the tank shell and the primary seal shall exceed 1 ½ inches (3.8 centimeters). No continuous gap greater than a 1/8 of an inch (0.32 centimeter) shall exceed 10 percent (10%) of the circumference of the tank.
 - (b) Gaps between the tank shell and the secondary seal shall not exceed a 1/8 of an inch (0.32 centimeter) for an accumulative length of 95 percent (95%) of the circumference of the tank, and shall not exceed a ½ an inch (1.3 centimeters) for an accumulative length of the remaining 5 percent (5%) of the circumference of the tank. No gap between the tank shell and the secondary seal shall exceed ½ an inch (1.3 centimeters).
 - (c) Metallic-Shoe- Seals installed on or after date of adoption of this rule, shall be installed so that one end of the shoe extends into the stored liquid and the other end extends a minimum vertical distance of 24 inches (61 centimeters) above the stored liquid surface.
 - (d) The geometry of the shoe shall be such that the maximum gap between the shoe and the tank shell is no greater than double the gap allowed by the seal gap criteria for a length of at least 18 inches (46 centimeters) in the vertical plane above the liquid surface. There shall be no holes or tears in, or openings which allow the emission of organic vapors through the

secondary seal or in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric.

- (e) The secondary seal shall allow easy insertion of probes up to 1 ½ inches (3.8 centimeters) in width in order to measure gaps in the primary seal in accordance with section (C)(1)(a)(v).
 - (f) The secondary seal shall extend from the roof to the tank shell and shall not be attached to the primary seal.
- (2) For a closure device which used a Resilient-Toroid- Seal as its primary seal:
- (a) If installation was commenced prior to February 20, 1980, gaps between the tank shell and the primary seal shall not exceed an 1/8 of an inch (0.32 centimeter) for an accumulative length of 95 percent (95%) of the circumference of the tank, and shall not exceed a ½ an inch (1.3 centimeters) for an accumulative length of the remaining 5 percent (5%) of the tank circumference. No gap between the tank shell and the primary seal shall exceed a ½ an inch (1.3 centimeters).
 - (b) If installation was commenced prior to February 20, 1980 gaps between the tank shell and the secondary seal shall not exceed an 1/8 of an inch (0.32 centimeter) for an accumulative length of 95 percent (95%) of the circumference of the tank, and shall not exceed a ½ an inch (1.3 centimeters) for an accumulative length of the remaining 5 percent (5%) of the tank circumference. No gap between the tank shell and the secondary seal shall exceed a ½ an inch (1.3 centimeters).
 - (c) If installation is commenced after February 20, 1980, the tank Owner/Operator shall, prior to installation, demonstrate to the APCO, that the closure device controls vapor loss with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Subsection (F)(1)(a). The APCO shall determine whether equivalence exists in accordance with Subsection (C)(1)(a)(iv). If equivalence is demonstrated using primary or secondary seal gap criteria (if any) different from the criteria specified in Subsections (F)(2)(a) or (b), those criteria shall be controlling for all purposes of this rule in lieu of the criteria specified in Subsections (F)(2)(a) and (b).
 - (d) There shall be no holes or tears in, or openings which allow the emission of organic vapors through the secondary seal or in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, seal fabric and secondary seal.
 - (e) The secondary seal shall allow easy insertion of probes up to 1 ½ inches (3.8 centimeters) in width in order to measure gaps in the primary seal.
 - (f) The secondary seal shall extend from the roof of the tank shell and not be attached to the primary seal.

- (3) For a closure device on a riveted tank shell which uses a Metallic-Shoe- Seal as its primary seal;
- (a) The closure device shall consist of two seals, one above the other; the one below shall be referred to as the primary seal, and the one above shall be referred to as the secondary seal.
 - (b) The closure device shall control vapor loss with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Subsection (F)(1). The APCO shall determine whether equivalence exists in accordance with Subsection (C)(1)(a)(iv). Gaps between the primary and secondary seals shall not exceed the gaps (if any) associated with the closure device approved as equivalent by the APCO, and shall be controlling for all purposes of this rule.
 - (c) Metallic-Shoe- Seals installed on or after February 20, 1979 shall be installed so that one end of the shoe extends into the stored liquid and the other end extends a minimum vertical distance of 24 inches (61 centimeters) above the stored liquid surface. The geometry of the shoe shall be such that the maximum gap between the shoe and the tank shell is no greater than double the gap allowed by the seal gap criteria for a length of at least 18 inches (46 centimeters) in the vertical plane.
 - (d) There shall be no holes or tears in, or openings which allow the emission of organic vapors through the envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric.
 - (e) Any secondary seal shall allow easy insertion of probes up to 1 ½ inches (3.8 centimeters) in width in order to measure gaps in the primary seal.
 - (f) Any secondary seal shall extend from the roof to the tank shell and shall not be attached to the primary seal.
- (4) The Owner/Operator of any tank with a closure device, or proposed to be equipped with such a system, shall, prior to use on installation, demonstrate equivalence to the USEPA, CARB and the APCO as follows:
- (a) By an actual emissions test in a full-size or scale sealed tank facility which accurately collects and measures all hydrocarbon emissions associated with a given closure device, and which accurately simulates other emission variables, such as temperature, barometric pressure and wind. The test facility shall be subject to prior approval by the USEPA, CARB and the APCO, or,
 - (b) By a pressure leak test, engineering evaluation or other means, where the USEPA, CARB and the APCO determines that the same is an accurate method of determining equivalence.

(H) Compliance Verification Test Methods

- (1) When more than one test method is specified for testing, a violation determined by any one of these test methods shall constitute a violation of the rule.
 - (a) ASTM METHOD D-323-06: Reid vapor pressure shall be determined in accordance with American Society of Testing and Materials D323-06, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
 - (b) ASTM METHOD D-2879-97 (2002)(e1): True vapor pressure shall be determined in accordance with American Society of Testing and Materials D2879-97(2002)(e1), Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope.
 - (c) EPA METHODS 2A OR 2B: The gas flow rate shall be determined in accordance with EPA Method 2A, Direct Measurement of Gas Volume Through Pipes and Small Ducts; or EPA Method 2B, Determination of Exhaust Gas volume flow rate From Gasoline Vapor Incinerators, as applicable.
 - (d) EPA METHOD 18: Exempt compounds shall be determined in accordance with EPA Method 18, Measurement of Gaseous Organic Compound Emissions by Gas Chromatography.
 - (e) EPA METHOD 21: The gas tight condition shall be determined in accordance with EPA Method 21, Determination of Volatile Organic Compound Leaks, using a portable analyzer calibrated with methane gas.
 - (f) EPA METHODS 25, 25A OR 25B: VOC emissions shall be determined in accordance with EPA Method 25 – Gaseous Nonmethane Organic Emission, or 25A - Gaseous Organic Concentration, Flame Ionization; or EPA Method 25B - Gaseous Organic Concentration, Infrared Analyzer, as applicable.
 - (g) CARB TEST PROCEDURE TP-203.1: The terminal vapor recovery system efficiency shall be determined in accordance with CARB Vapor Recovery Test Procedure TP-203.1, Determination of Emission Factor of Vapor Recovery Systems of Terminals.
- (2) Other test methods demonstrated to provide results that are acceptable for determining Reid or true vapor pressure for purposes of demonstrating compliance with this rule, after review and approval in writing by the District, the CARB, and the USEPA, may also be used.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
RULE 463 - ADDENDUM

STORAGE TEMPERATURES vs. TRUE VAPOR PRESSURE
(gravity/initial boiling points referenced)

	Reference Property A - API B - IBP, °F		Temperature, °F Not to Exceed Vapor Pressure	
<u>Organic Liquids</u>	<u>A</u>	<u>B</u>	<u>0.5 pisa</u>	<u>1.5 pisa</u>
Crude Oils	12	---	---	---
	13	---	120	180
	14	---	85	145
	16	---	60	107
	18	---	55	93
	20	---	52	84
	22	---	49	77
	24	---	45	73
	26	---	42	70
	28	---	40	67
	30	---	38	64
<u>Middle Distillates</u>				
Kerosene	42.5	350	195	250
Diesel	36.4	372	230	290
Gas Oil	26.2	390	249	310
Stove Oil	23	421	275	340
<u>Jet Fuels</u>				
JP-1	43.1	330	165	230
JP-3	54.7	110	---	25
JP-4	51.5	150	20	68
JP-5	39.6	355	205	260
JP-7	44-50	360	205	260

	Reference Property A - API B - IBP, °F		Temperature, °F <u>Not to Exceed Vapor Pressure</u>	
<u>Fuel Oil</u>				
# 1	42.5	350	195	250
# 2	36.4	372	230	290
# 3	26.2	390	249	310
# 4	23.0	421	275	340
# 5	19.9	560	380	465
# 6	16.2	625	450	---
<u>Asphalts</u>				
60-100 pen.	---	---	490	550
120-150 pen.	---	---	450	500
200-300 pen.	---	---	360	420
Acetone	47.0	133	---	35
Acrylonitrile	41.8	173	30	60
Benzene	27.7	176	35	70
Cyclohexane	49.7	177	35	70
Ethylacetate	23.6	171	35	70
Ethyl Alcohol	47.0	173	45	83
Isopropyl Alcohol	47.0	181	45	87
Methyl Alcohol	47.0	148	---	50
Mehylethyl Ketone	44.3	175	30	70
Toluene	30.0	231	73	115
Vinyl Acetate	19.6	163	---	60
Carbon Disulfide	10.6	116	---	10
Carbon Tetra-Chloride	13.4	170	30	60
Chloroform	12.5	142	---	40

	Reference Property		Temperature, °F	
	A - API	B - IBP, °F	<u>Not to Exceed Vapor Pressure</u>	
1,2-Dichloro-ethane	10.5	180	35	77
Methylene Chloride	11.1	104	---	70
1,1,1-Trichloro-ethane	11.2	165	60	100
Trichloroethylene	12.3	188	50	91

See SIP Table at <http://www.mdaqmd.ca.gov/>

Mojave Desert
Air Quality Management District



Final
Staff Report
Outlining Amendments to
Rule 461 – *Gasoline Transfer and Dispensing*
Rule 462 – *Organic Liquid Loading*
Rule 463 – *Storage of Organic Liquids*

Amended on
January 22, 2018

14306 PARK AVE, VICTORVILLE, CA 92392-2310
PHONE: (760) 245-1661
FAX: (760) 245-2699

This page intentionally left blank.

STAFF REPORT
TABLE OF CONTENTS
Rule 461– *Gasoline Transfer and Dispensing*
Rule 462 – *Organic Liquid Loading*
Rule 463 – *Storage of Organic Liquid*

I. PURPOSE OF STAFF REPORT	1
II. EXECUTIVE SUMMARY	1
III. STAFF RECOMMENDATION	2
IV. LEGAL REQUIREMENTS CHECKLIST	3
V. DISCUSSION OF LEGAL REQUIREMENTS	4
A. REQUIRED ELEMENTS/FINDINGS.....	4
1. State Findings Required for Adoption of Rules & Regulations	4
a. Necessity	4
b. Authority	4
c. Clarity	4
d. Consistency	4
e. Nonduplication.....	4
f. Reference	5
g. Public Notice & Comment, Public Hearing.....	5
2. Federal Elements (SIP Submittals, Other Federal Submittals).....	5
a. Satisfaction of Underlying Federal Requirements	5
b. Public Notice and Comment	5
c. Availability of Document	6
d. Notice to Specified Entities	6
e. Public Hearing	6
f. Legal Authority to Adopt and Implement	6
g. Applicable State Laws and Regulations Were Followed.....	6
B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS	7
C. ECONOMIC ANALYSIS	7
1. General.....	7
2. Incremental Cost Effectiveness	8
D. ENVIRONMENTAL ANALYSIS (CEQA).....	8
E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS	8
1. Potential Environmental Impacts.....	8
2. Mitigation of Impacts	8
3. Alternative Methods of Compliance.....	8
F. PUBLIC REVIEW	9
VI. TECHNICAL DISCUSSION	9
A. SOURCE DESCRIPTION	9
B. EMISSIONS	9
C. CONTROL REQUIREMENTS	9
D. PROPOSED RULE SUMMARY	9
E. SIP HISTORY	11
1. SIP History	11

2. SIP Analysis	13
Appendix A - Iterated Version.....	A-1
Appendix B - Public Notice Documents.....	B-1
Appendix C - Public Comments and Responses.....	C-1
Appendix D - California Environmental Quality Act Documentation.....	D-1
Appendix E - Bibliography.....	E-1

List of Acronyms

AST	Aboveground Storage Tank
AVAQMD	Antelope Valley Air Quality Management District
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CTG	Control Technology Guideline
EO	Executive Order
EVR	Enhanced Vapor Recovery
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
mm Hg	Millimeters of Mercury
NOx	Oxides of Nitrogen
ORVR	Onboard Refueling Vapor Recovery
PCAPCD	Placer County Air Pollution Control District
psia	Pound per Square Inch Absolute
RACT	Reasonably Available Control Technology
SBCAPCD	San Bernardino County Air Pollution Control District
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SOx	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
U.S.C.	United States Code
UST	Underground Storage Tank
VOC	Volatile Organic Compounds
YSAQMD	Yolo-Solano Air Quality Management District

This page intentionally left blank.

STAFF REPORT
Rule 461 – Gasoline Transfer and Dispensing
Rule 462 – Organic Liquid Loading
Rule 463 – Storage of Organic Liquids

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The FCAA requires areas designated non-attainment and classified moderate or above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. The District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462- *Organic Liquid Loading* and Rule 463 – *Storage of Organic Liquids* to current Federal RACT.

District Rule 461- *Gasoline Transfer and Dispensing*, and Rule 462 – *Organic Liquid Loading* was last amended on May 25, 1994, Rule 463 – *Storage of Organic Liquids* was last amended on November 2, 1992, and all three rules were approved as RACT into the SIP in 1995. (60 FR 21702, 05/03/1995). Previous versions of these rules addressed requirements outlined in the applicable CTG’s published in the 1970s: Design Criteria for Stage I Vapor Control Systems – Gasoline Stations (EPA-450/R-75-102 November 1975), Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026 October 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emission from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036 December 1977), Control of Volatile Organic Emission from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047 December 1978) and Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA-450/2-78-051 December 1978).

The amendments are based on the Control Technology Guidelines (CTGs), and various district rules deemed as fulfilling Reasonably Available Control Technology (RACT) requirements, including but not limited to: Antelope Valley Air Quality Management District (AVAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (76 FR 5277, 01/31/2001), AVAQMD Rule 462 – *Organic Liquid Loading* (62 FR 60784, 11/13/1997), AVAQMD Rule 463 – *Storage of Organic Liquids* (61 FR 54941, 10/23/1996); Placer County Air Pollution Control District (PCAPCD) Rule 212 – *Storage of Organic Liquids* (74 FR 27714, 06/11/2009), PCAPCD Rule 213 – *Gasoline Transfer in Stationary Storage Containers* (80 FR 7345, 02/10/2015); South Coast Air Quality Management District (SCAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (78 FR 21543, 04/11/2013), SCAQMD Rule 462 – *Organic Liquid Loading* (64 FR 39037, 07/21/1999), SCAQMD Rule 463 – *Storage of Organic Liquids* (78 FR 18854, 11/04/2011); and Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006), YSAQMD Rule 2.22 – *Gasoline Dispensing Facilities* (81 FR 6763, 02/09/2016).

The amendments to Rules 461, 462 and 463 address the *RACT SIP Analysis* commitments. All of the amendments update rule definitions and rule clarity. Specifically, the amendments in Rule 461 which would update mobile fueler requirements, CARB certified equipment requirements, spill box installation requirement, Phase II vapor recovery capacity and emission factor, self-inspection, record keeping requirements, updated performance testing and re-verification requirements, added an exemption for ORVR (onboard refueling vapor recovery fleets) and updated required signage at gasoline dispensing facilities. The amendments to Rule 462 would update CARB certified equipment requirements, imposing a reduced emission requirement for class A facilities, updated loading requirements, Class B facilities would require a vapor recovery system, submerged fill loading and a pressure/vent valve. Self-inspection, record keeping and test methods have also been updated. The amendments to Rule 463 update rule applicability, reduce the allowed vapor pressure of organic liquid storage tanks greater than 39,630 gallons and update self-inspection, maintenance and record keeping.

III. STAFF RECOMMENDATION

Staff recommended that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) amend proposed Rules 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Storage*, and Rule 463 – *Storage of Organic Liquids* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.

This rule has been amended.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct to amend Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading*, and Rule 463 – *Storage of Organic Liquids*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Nonduplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

- X Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- X Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- X Written analysis of existing air pollution control requirements
- N/A Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the amendment of Rules 461, 462, and 463. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity:

The amendments to Rules 461, 462, and 463 are necessary to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.

b. Authority:

The District has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The amendment to Rules 461, 462, and 463 is clear in that they are written so that the persons subject to the Rule can easily understand the meaning.

d. Consistency:

The amendments to Rules 461, 462, and 463 are in conformance with the applicable CTG's. The amendments to Rules 461, 462, and 463 are in harmony with, and not in conflict with or contradictory to any State law or regulation, Federal law or regulation, or court decisions.

e. Nonduplication:

CTG's and RACT are not directly enforceable; therefore this rule is necessary to enforce standards and is non-duplicative. The

amendments to Rules 461, 462, and 463 do not impose the same requirements as any existing State or Federal law or regulation because the District is amending this rule in response to federal VOC RACT requirements.

f. Reference:

The District has the authority pursuant to H & S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendments to Rules 461, 462, and 463 were published September 22, 2017. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law that requires the submittal. The information below indicates which elements are required for the amendments of Rules 461, 462, and 463 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to CTG documents issued by USEPA for “major sources” of VOCs and NO_x that are ozone precursors. Because the District has an existing SIP rule for this CTG category, the District committed to adopting an updated RACT rule for metal parts and products coating operations. The amendments are based on the CTGs and various district rules deemed as fulfilling RACT requirements, including but not limited to: Antelope Valley Air Quality Management District Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading*, Rule 463 – *Storage of Organic Liquid*; Placer County Air Pollution Control District Rule 212 – *Storage of Organic Liquids*, Rule 213 – *Gasoline Transfer in Stationary Storage Containers*; South Coast Air Quality Management District Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading*, Rule 463 – *Storage of Organic Liquids*; and Yolo-Solano Air Quality Management District Rule 2.21 – *Organic Liquid Storage and Transfer*, Rule 2.22 – *Gasoline Dispensing Facilities*.

Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rules 461, 462, and 463 was initially published September 22, 2017. Revisions for the proposed amendments were published on December 22, 2017. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amendments of Rules 461, 462, and 463 as well as the accompanying draft staff report was made available to the public on September 12, 2017, subsequent revisions to the draft rules and staff report were made available on December 5, 2017. The proposed amendments were initially reviewed by the Technical Advisory Committee, a committee consisting of a variety of regulated industry and local governmental entities, on October 3rd, 2017, and again prior to the January hearing on January 9th, 2018.

d. Notice to Specified Entities:

Copies of the proposed amendment of Rules 461, 462, and 463 and the accompanying draft staff report was sent to all affected agencies. The proposed amendments were initially sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on September 12, 2017, revisions to the draft staff report was also sent on December 5th, 2017.

e. Public Hearing:

A public hearing to consider the proposed amendments of Rule 461, 462, and 463 was initially set for October 23, 2017, and was then continued to January 22, 2018.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code

§40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district.

The FCAA requires areas designated non-attainment for ozone and classified moderate and above to adopt and maintain RACT rules to control the emissions of VOCs and NO_x for categories which the USEPA has adopted a CTG and for all categories where there are major stationary sources of air pollution (42 U.S.C. §7511a(b)(2), FCAA 182(b)(2)). For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified severe-17.

District Rule 461- *Gasoline Transfer and Dispensing*, and Rule 462 – *Organic Liquid Loading* was last amended on May 25, 1994, Rule 463 – *Storage of Organic Liquids* was last amended on November 2, 1992, and all three rules were approved as RACT into the SIP in 1995. (60 FR 21702, 05/03/1995). Previous versions of these rules addressed requirements outlined in the applicable CTG's published in the 1970s: Design Criteria for Stage I Vapor Control Systems – Gasoline Stations (EPA-450/R-75-102 November 1975), Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026 October 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035 December 1977), Control of Volatile Organic Emission from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036 December 1977), Control of Volatile Organic Emission from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047 December 1978) and Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA-450/2-78-051 December 1978).

C. ECONOMIC ANALYSIS

1. General

RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). Rules 461, 462, and 463 are equivalent to rules that were determined by USEPA to fulfill RACT¹. This determination by USEPA means that the provisions of Rules 461, 462, and 463 are, by definition, cost effective.

¹ Antelope Valley Air Quality Management District (AVAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (76 FR 5277, 01/31/2001), AVAQMD Rule 462 – *Organic Liquid Loading* (62 FR 60784, 11/13/1997), AVAQMD

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NOx) or oxides of sulfur (SOx). The amendment of Rules 461, 462, and 463 is not subject to incremental cost effectiveness calculations because it does not involve BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the amendments to Rules 461, 462, and 463 was determined.

1. The amendments to Rules 461, 462, and 463 meet the CEQA definition of “project”. They are not “ministerial” actions.
2. The amendments to Rules 461, 462, and 463 are exempt from CEQA review because the amendments are more stringent than the prior versions and do not create any adverse impacts on the environment. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The amendments to Rules 461, 462 and 463 do not introduce any new equipment or control technologies; therefore these rules do not pose any additional environmental impact.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

Rule 463 – *Storage of Organic Liquids* (61 FR 54941, 10/23/1996); Placer County Air Pollution Control District (PCAPCD) Rule 212 – *Storage of Organic Liquids* (74 FR 27714, 06/11/2009), PCAPCD Rule 213 – *Gasoline Transfer in Stationary Storage Containers* (80 FR 7345, 02/10/2015); South Coast Air Quality Management District (SCAQMD) Rule 461 – *Gasoline Transfer and Dispensing* (78 FR 21543, 04/11/2013), SCAQMD Rule 462 – *Organic Liquid Loading* (64 FR 39037, 07/21/1999), SCAQMD Rule 463 – *Storage of Organic Liquids* (78 FR 18854, 11/04/2011); and Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006), YSAQMD Rule 2.22 – *Gasoline Dispensing Facilities* (81 FR 6763, 02/09/2016).

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The District has over 200 facilities subject to all or some of the rules in this amendment, which include retail and non-retail gas stations, organic liquid storage facilities and bulk transfer plants.

B. EMISSIONS

The amendments to Rules 461, 462 and 463 address the RACT SIP Analysis commitments. All of the amendments update rule definitions, rule clarity. Specifically the amendments in Rule 461 updates mobile fueler requirements, CARB certified equipment requirements, standing loss requirements, spill box installation requirement, Phase II vapor recovery capacity and emission factor, self-inspection and record keeping requirements, updated performance testing and re-verification requirements, added a severability requirement as well as an exemption for Onboard Refueling Vapor Recovery (ORVR) fleets, and updated required signage at gasoline dispensing facilities. Rule 462 would update CARB certified equipment requirements, reduced ‘vapor tight’ detection limit, severability requirement, imposing a reduced emission requirement for class A facilities, updated loading requirements, Class B facilities would require a vapor recovery system, submerged fill loading and a pressure/vent valve. Self-inspection, record keeping and test methods have also been updated. Rule 463 would update rule applicability, reduce the allowed vapor pressure of organic liquid storage tanks greater than 39,630 gallons and update self-inspection, maintenance, record keeping and testing.

C. CONTROL REQUIREMENTS

Rules 461, 462, and 463 address control requirements through tightened applicability, lower uncontrolled emissions limits, mobile fueler applicability, spill box installation requirement, reduced ‘vapor tight’ detection limit, certified equipment installation, and more rigorous self-inspection, maintenance and record keeping requirements.

D. RULE SUMMARY

This section gives a brief overview of the amendments to Rules 461, 462, and 463.

Minor format changes have been made throughout which are for clarity and consistency and not substantive. These changes include, but are not limited to, capitalization of defined terms, relocation of commonly defined terms to Rule 102.

Rule 461 – *Gasoline Transfer and Dispensing*

The definitions in section (B) of Rules 461, have been modified to add definitions which are specific to this rule, and remove definitions that are contained in Rule 102.

Definitions Added: Altered Gasoline and Transfer Dispensing Facility, Backfilling, Balance System, Bellows-Less Nozzle, Coaxial Hose, Dry Break, End of Cycle, Enhanced Vapor Recovery (EVR), Executive Order, Fueling Position, Insertion Interlock Mechanism, Major Defect, Minor Defect, Onboard Refueling Vapor Recovery (ORVR), Performance Test, Phase I Vapor Recovery System, Phase II Vapor Recovery System, Rebuild, Re-Verification Test, Spill Box, Standing Loss Control, Vacuum-Assist System, Vapor Check Valve.

Definitions Modified: Vapor Tight

Definitions Removed: Certified Vapor Recovery System, Gasoline, Gasoline Storage and Dispensing Facility, Gasoline Vapors, Retail Gasoline Station, Submerged Fill Pipe, Vapor Recovery System.

Substantive updates to the Rule 461 are as follows: Subsection (C)(1) includes mobile fueler applicability requirements with those having a capacity of more than 251 gallons. Sections (C)(1), (C)(2) and (C)(3) includes updated requirements for CARB certification for Phase I and Phase II vapor recovery equipment and includes language that reflects the CARB Executive Orders. Subsection (C)(1)(h) requires that a spill box be installed whenever an underground storage tank is installed or replaced. Subsection (C)(1)(k) specifies that gasoline shall not be stored in open containers, nor spilled or sprayed which allows contamination of the air or ground. Subsection (C)(2) includes requirements for mobile fuelers with a capacity of more than 120 gallons. Subsection (C)(2)(a) proposes to add an emission factor to not exceed 0.38 lbs pre 1,000 gallons. Subsection (C)(4) clarifies required self-compliance activities. Subsection (C)(1)(j) addresses standing loss requirements for aboveground storage tanks. Subsection (D)(4) clarifies when a facility is no longer exempt, and the time line for obtaining an operating permit. Subsection (D)(4)(2) outlines requirements for the ORVR exemption for fleets. Subsection (E)(2), clarifies performance testing and re-verification testing requirements and frequency, all retail and non-retail gasoline dispensing facilities will be required to test annually. Subsection (F) expands upon and clarifies what we already require for record keeping. Subsection (G) is updated to reference the latest testing methods outlined in the CARB Executive Orders. Attachment A, updates required signage for posting. Attachments B and C outline weekly and periodic self-inspection and maintenance requirements.

Rule 462 – *Organic Liquid Loading*

The definitions in section (B) of Rules 462, have been modified to change pre-existing definitions, and definitions have been removed that are contained in Rule 102.

Definitions Modified: Class “A” Facility, Class “B” Facility, Vapor Tight detection limits reduced from 10,000 to 3,000 ppm.

Definitions Removed: Fugitive Liquid Leak, Gasoline, Organic Liquid, Organic Materials, Organic Solvents, Switch Loading, Throughput, Vapor Reduction Device, Vapor Recovery System,

Substantive updates to the Rule 462 are as follows: Subsections (C)(1) and (C)(2) propose to include requirements for a CARB certified, or District approved vapor recovery system. Subsection (C)(1)(c) proposes an emission limit of 0.08 pound or less of VOC per thousand (1000) gallons. Subsection (C)(1)(d) proposes that Class “A” facilities utilize bottom loading only. Subsection (C)(1)(f) proposes that backpressure shall not exceed 18 inches of water column pressure. Subsection (C)(1)(g) requires liquid loading hoses and vapor return hoses to be capped or have a secondary valve when not in use. Subsection (C)(2)(a)(i) requires a vapor efficiency of 95%. Subsection (C)(2)(a)(iii) backpressure shall not exceed 18 inches of water column pressure. Subsection (C)(2)(a)(iv) proposes that all gasoline or other equivalent vapor pressure organic liquids shall be transferred with submerged fill loading or bottom loading at Class “B” facilities. Subsection (C)(2)(a)(v) proposes that at Class “B” facilities, the pressure vacuum valve on aboveground tanks be set to eight (8) ounces per square inch, provided that such setting does not exceed the tanks maximum pressure rating. Subsection (D)(5) proposes updated self-inspection requirements. Subsection (F)(1)(a) requires that Title V and MACT sources maintain records for five years. Subsection (F)(1)(b) updated record keeping requirements including: daily throughput, monthly throughput summary – for a rolling twelve month period, daily storage and transfer temperatures of the organic liquid, results of leak inspection checks. (G) updated test methods for compliance verification.

Rule 463 – *Storage of Organic Liquids*

New rules specific definitions have been added to section (B) of Rule 463, and some definitions have been removed that are contained in Rule 102.

Definitions Added: Metallic-Shoe Seal, Resilient-Toroid-Seal, Vapor Tight.

Definitions removed: Gasoline, Organic Liquid, Organic Materials, Organic Solvents, True Vapor Pressure.

Substantive updates to the Rule 463 are as follows: Subsection (B)(3) proposes that Vapor Tight be defined as the detection of less than 1,000 ppm. Subsection (C)(1) proposes reduction in true vapor pressure from 77.5 mm Hg (1.5 psia) to 25.8 mm Hg (0.5 psia) unless it is a pressure tank, meeting pressure requirements at all times or is equipped with a vapor loss control device. Subsection (C)(3)(d) added inspection and maintenance requirements. Subsection (H)(1) updated compliance verification test methods.

E. SIP HISTORY

1. SIP History.

a. SIP in the San Bernardino County Portion of MDAQMD

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD.

Rules 461, 462 and 463 were originally adopted by the Southern California APCD (JPA Predecessor to the SBCAPCD) on 01/09/76 and subsequently amended on 05/07/76, and 07/09/76. CARB Ex. Ord. G-73 02/01/77 readopted them for the SBCAPCD upon dissolution of the JPA and the formation of the South Coast Air Quality Management District (SCAQMD). The SBCAPCD readopted them on 07/25/77 and subsequently amended all these rules again on 10/13/80, 12/19/88, and 11/02/92. Rules 461 and 462 were subsequently amended on 05/25/94. The 11/02/92 version of Rule 463 and the 5/25/94 versions of Rules 461 and 462 were included in the State Implementation Plan (SIP) for the MDAQMD (60 FR 21702, 05/03/1995; 461 & 462 40 CFR 52.220(c)(198)(i)(E)(1) and 463 40 CFR 52.220(c)(191)(i)(C)).

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislation which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left SCAQMD and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

Rules 461, 462 and 463 were originally adopted by the Southern California APCD (which was also the predecessor to SCAQMD) on 01/09/76 and subsequently amended on 05/07/76, and 07/09/76. SCAQMD became operational pursuant to statute on February 1,

1977 and acquired all the Southern California APCD rules in effect at that time.

SCAQMD amended all three rules numerous times prior to July 1, 1994 when the Blythe/Palo Verde Valley became part of the MDAQMD. Specifically Rule 461 was amended 2/4/77, 11/18/77, 2/3/78, 1/5/79, 5/4/79, 12/7/79, 1/16/81, 10/15/82, 11/1/85, 3/4/88, and 7/7/89. Rule 462 was amended 5/5/78, 10/14/79, 4/4/86, and 12/7/90 while Rule 463 was amended 8/15/77, 6/1/84, 12/7/90 and 3/11/94. Many of these versions were submitted to USEPA as SIP revisions and a variety of them were approved. As of July 1, 1994 the following versions were effective in the SIP for the Blythe/Palo Verde Valley:

Rule 461 – The 10/15/82 version submitted 2/3/83 and approved on 5/3/84 at 49 FR 18829 (40 CFR 52.220(c)(127)(vii)(B)).

Rule 462 – The 10/14/79 version submitted 7/25/80 and approved on 7/8/82 at 47 FR 29668 (40 CFR 52.220(c)(88)(ii)(B)).

Rule 463 – The 6/1/84 version submitted 10/19/1984 and approved 1/15/87 at 52 FR 1627 (40 CFR 52.220(c)(156)(vii)(A)).

Subsequent versions of all three rules had been submitted and were “SIP Pending” at the time the area was annexed to the MDAQMD. Pursuant to USEPA’s direction those pending submissions which had not been acted upon at the time of annexation were no longer applicable to the area.

Surprisingly USEPA’s 5/3/95 rulemaking action on the MDAQMD versions of these rules listed Rules 461 and 462 as applicable to the MDAQMD SIP but 463 as applicable to SBCAPCD SIP which could potentially have resulted in the MDAQMD 5/25/94 versions of Rule 461 and 462 being the current SIP rules for the Blythe/Palo Verde Valley area of the MDAQMD.

2. SIP Analysis.

The District is requesting that CARB to submit the amendments to Rules 461, 462, and 463 to replace the 1995 SIP versions for San Bernardino County and all versions as indicated above which may be applicable in Riverside County.

In order to replace existing SIP rules the District is required to show that the amendments are not less stringent than the provisions currently in the SIP. Rules 461, 462, and 463 are more stringent than the previous SIP version because the

amendments update California Air Resources Board (CARB) certification requirements, applicability triggers, emission limits, testing frequency, self-inspection requirements, as well as testing and record keeping. Therefore, the amendments to Rules 461, 462, and 463 are more stringent than the 1995 version of the rule.

Appendix “A”
Iterated Version

Rule 461 – *Gasoline Transfer and Dispensing*

Rule 462 – *Organic Liquid Loading*

Rule 463– *Storage of Organic Liquids*

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted

This page intentionally left blank.

(Adopted: 01/09/76; Amended: 05/07/76; Amended: 09/03/76;
CARB Ex. Ord. G-73; 02/01/77; Readopted: 07/25/77;
Amended: 10/13/80; Amended: 12/19/88; Amended: 11/02/92;
Amended: 05/25/94; Amended: mm/dd/yy)

RULE 461

Gasoline Transfer and Dispensing

(A) General Description

(1) Purpose:

- (a) ~~The purpose of this rule is to~~ To limit the emissions of ~~V~~olatile ~~O~~rganic ~~C~~ompounds (VOC) and toxic compounds (such as benzene) from the transfer and dispensing and marketing of Gasoline, and in conjunction with Rules 462 and 463, limit the emissions from the storage, transfer, and dispensing of gasoline, including bulk facilities, retail service stations, and others, the transport of fuels between these facilities and the transfer of fuel into motor vehicle tanks. *[moved applicable tanks to applicability section of this rule, deleting references to other rules keeping the focus of this rule, on 461, not 462 and 463]*

(2) Applicability:

- (a) ~~This rule applies to any~~ The provisions of this rule shall apply to gasoline storage and dispensing facility and to any retail gasoline station operating equipment within the MDAQMD jurisdiction. Such facilities are required to have either an authority to construct or a permit to operate such equipment pursuant to provisions of District Regulation II and or Regulation XIII. Specifically, district permit identification numbers beginning with either a "G" or an "N" are impacted by this rule. The permit identification number prefix "G" identifies retail gasoline dispensing equipment; and "N" identifies non retail gasoline dispensing equipment under permit with MDAQMD. the transfer of Gasoline from any tank truck, or railroad tank car into any stationary storage tank or Mobile Fueler, and from any stationary storage tank or Mobile Fueler into any Mobile Fueler or Motor Vehicle fuel tank. *[To further clarify, applicable language pulled from purpose section above]*

(3) Severability:

- (a) If any portion of this rule shall be found to be unenforceable, such finding shall have no affect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect. [New to D6 – added at the suggestion of District Counsel. Language obtained from MD Rule 463]

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms*, shall apply unless the term is otherwise defined herein: *[Definitions that are commonly used throughout the MDAQMD rule book have been relocated to existing Rule 102 which was most recently amended June 12, 2017, and will be amended concurrently with this amendment.]*

(1) “Altered Gasoline Transfer and Dispensing Facility” - is a Gasoline Transfer and Dispensing Facility with any of the following:

(a) The removal or addition of storage tank(s), or changes in the number of Fueling Positions.

(b) The replacement of storage tank(s), dispensing nozzle(s) or other equipment with different characteristics or descriptions from those specified on the existing permit. *[New to D3. SCAQMD Rule 461, 4/6/2012]*

(2) “Backfilling” - is the covering of the underground storage tank, piping or any associated components with soil, aggregate or other materials prior to laying the finished surface *[New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]*

(3) “Balance System” – A Phase II Vapor Recovery System that operates on the principle of vapor displacement. *[New to D3. Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]*

(4) “Bellows-Less Nozzle” – Any nozzle that incorporates both an assist system and a Gasoline Vapor capture mechanism at the Motor Vehicle filler neck, such that vapors are collected at the vehicle filler neck without the need for an interfacing flexible bellows, and which is certified by the California Air Resources Board (CARB) for operation as a Bellows-less Nozzle. *[New D3. Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]*

(1) “Certified Vapor Recovery System” – is a ~~A~~ system to limit emissions of gasoline, which has been certified by the California Air Resources Board in accordance with specific criteria listed within the California Administrative Code. *[in 102]*

(5) “Coaxial Hose” – A hose that contains two passages with a configuration of a hose within a hose. One of the passages dispenses the liquid Gasoline into the vehicle fuel tank while the other passage carries the Gasoline Vapors from the vehicle fuel tank to the storage tank. *[New to D3. Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]*

(6) “Dry Break” or poppetted Dry Break is a Phase I vapor recovery component that opens only by connection to a mating device to ensure that no Gasoline vapors escape from the underground storage tank before the vapor return line is

Formatted: Rule Text 2

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Italic

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt, Italic

Formatted: Font: 12 pt

Formatted: Indent: Left: 1"

Formatted: Font: Italic

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Underline

Formatted: Underline

connected and sealed. *[New to D3. Definition obtained from SCAQMD Rule 461 4/6/2012]*

(7) “End of Cycle”

- (a) For delivery vehicle - when the delivery Vehicle is emptied or, if not emptied, before taking on more Gasoline.
- (b) For transferring Gasoline to a Motor Vehicle – upon the completion of fueling, by the last customer who was fueling, at the time the problem is detected. *[Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08... Verbiage also used from SCAQMD Rule 461, 4/6/2012(c)(3)(B) to streamline]*

(8) “Enhanced Vapor Recovery (EVR)” - means performance standards and specifications set forth in the CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline dispensing facilities). *[New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]*

(9) “Executive Order” - Orders published by CARB that document the requirements of specific vapor Control Equipment and procedures used in Phase I and Phase II Vapor Recovery Systems. *[Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]*

(10) “Fueling Position” – A fuel dispensing unit consisting of nozzle(s) and meter(s) with the capability to deliver only one fuel product at one time. *[New D3. Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]*

Formatted: Underline

(2) “Gasoline” means ~~a~~Any organic liquid, including petroleum distillate and methanol having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly known or sold as gasoline. *[in 102]*

Formatted: Font: Italic

(3) “Gasoline Storage and Dispensing Facility” means ~~a~~Any aggregate of one or more stationary storage containers, together with, but not limited to, dispensers, pumps, loading racks and/or control equipment used to store and transfer gasoline. *[in 102]*

Formatted: Font: Italic

(4) “Gasoline Vapors” means ~~t~~The organic compounds of gasoline, which exist in a vapor state and include, where present, entrained liquid gasoline. *[in 102]*

Formatted: Font: Italic

(11) “Insertion Interlock Mechanism” – Any CARB certified mechanism that ensures a tight fit at the nozzle fill pipe interface and prohibits the dispensing of Gasoline unless the bellows is compressed. *[Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]*

Formatted: Underline

Formatted: Font: Italic

(12) “Major Defect” - is a defect in the Vapor Recovery System or its component, as listed in California Code of Regulations, Title 17, Part III, Chapter 1, Subchapter

Formatted: Underline

8. Section 94006. [New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]

(13) “Minor Defect” - is a defect in any Gasoline transfer and dispensing equipment, which renders the equipment out of good working order but which does not constitute a Major Defect. [New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]

Formatted: Underline

~~(9) “Mobile Fueler,” is any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle fuel tank. [New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]~~ ~~[Draft definition moved to 102]~~

Formatted: Strikethrough

Formatted: Underline, Strikethrough

Formatted: Strikethrough

Formatted: Not Strikethrough

Formatted: Not Strikethrough

Formatted: Underline

(14) “Onboard Refueling Vapor Recovery (ORVR)” – Vehicle emission control system that captures fuel vapors from the vehicle gas tank during refueling. [Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]

(15) “Performance Test” – is the first test or series of tests performed on a new or altered CARB Certified Gasoline Vapor Recovery System demonstrate compliance with the CARB Executive Order and District permit conditions upon completion of construction or alteration of the Vapor Recovery System. [New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]

Formatted: Underline

(16) “Phase I Vapor Recovery System”

Components may include, but are not limited to: [New to D5 – Added per EPA suggestions]

Formatted: Indent: First line: 0"

Formatted: Font: Italic

- (a) the couplers that connect tanker trucks to the underground tanks
- (b) spill containment drain valves
- (c) overflow prevention devices
- (d) Pressure/Vacuum Relief (P/V) valves

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

(17) “Phase II Vapor Recovery System”

Components may include, but are not limited to: [New to D5 – Added per EPA suggestions]

Formatted: Indent: Left: 0.5", Space Before: 12 pt, After: 6 pt

- (a) Gasoline dispensers
- (b) nozzles
- (c) pipng, break away, hoses, and face plates
- (d) vapor processors
- (e) system monitors

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

[Phase I and Phase II obtained from SCAQMD FAQ webpage]

Formatted: Font: Italic

Formatted: Indent: Left: 1"

(18) “Rebuild” – An action that repairs, replaces, or reconstructs any part of a component of a vapor recovery system that forms the Gasoline vapor passage of the component, or that comes in contact with the recovered Gasoline vapors in the

Formatted: Underline

component. Rebuild does not include the replacement of a complete component with another CARB certified complete component; nor does it include the replacement of a spout, bellows, or vapor guard of a CARB certified nozzle. The new part shall be CARB certified and as supplied by the qualified manufacturer specifically for the CARB certified nozzle. [New to D3. Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]

(5) ~~“Retail Gasoline Station” means a~~Any motor vehicle refueling facility subject to payment of California sales tax on gasoline sales. [in 102]

Formatted: Font: Italic

(19) ~~“Re-Verification Test” - is a test or series of tests performed subsequent to the Performance Test on a CARB Certified Gasoline Vapor Recovery System to demonstrate compliance with the CARB Executive Order and District permit conditions. [New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]~~

Formatted: Underline

(20) ~~“Spill Box” - is an enclosed container around a Phase I fill pipe that is designed to collect Gasoline spillage resulting from disconnection between the liquid Gasoline delivery hose and the fill pipe. [New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]~~

Formatted: Underline

(6) ~~“Submerged Fill Pipe” means a~~Any discharge pipe or nozzle that meets one of the following conditions:

(a) ~~Where the tank is filled from the top, the end of the discharge pipe or nozzle is totally submerged when the liquid level is 6 inches from the bottom of the tank.~~

(b) ~~Where the tank is filled from the side, the end of the discharge pipe or nozzle is totally submerged when the liquid level is 18 inches from the bottom of the tank. [in 102]~~

Formatted: Font: Italic

(21) ~~“Standing Loss Control” – the control of vapors from aboveground storage tanks when no Phase I or Phase II gasoline transfers are occurring. [New to D6 – added definition to further define SLC suggested by CARB. Definition obtained from CARB’s D-200-Definitions for Vapor Recovery Procedures, amended May 2008]~~

Formatted: Font: Italic

Formatted: Font: Italic

(22) ~~“Vacuum-Assist System” – A Phase II Vapor Recovery System that uses vacuum producing device such as a compressor or turbine to create a vacuum during Gasoline dispensing to capture Gasoline Vapors. [New to D3. Definition found in AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08]~~

Formatted: Underline

(23) ~~“Vapor Check Valve” is a valve that opens and closes the vapor passage to the storage tank to prevent Gasoline vapors from escaping when the nozzle is not in use. [New to D3. Definition obtained from SCAQMD Rule 461, 4/6/2012]~~

Formatted: Underline

(7) ~~“Vapor Recovery System” means a~~A system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of storage, transferring and/or disposal of the recovered vapors. [in 102]

Formatted: Font: Italic

(248) “Vapor Tight (~~Fugitive Vapor Leak~~)” – means the detection of less than 10,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21. *[New to D10, removed Fugitive Vapor Leak as it is defined separately in 102]*

[New to D7 – Previous iterations of this draft had Vapor Tight stricken from this rule adding to 102, however after talks with EPA this should remain in the rule as detection limits could vary per rule.]

Formatted: Font: Italic

Formatted: Font: Not Bold

Formatted: Indent: First line: 0"

Formatted: Font: Italic

(C) Requirements

(1) Gasoline Transfer ~~into or from~~ Stationary Storage Tanks and Delivery Systems Mobile Fuelers (Phase I) *[Language updated based on AVAQMD Rule 461, 10/28/2008 & SCAQMD Rule 461, 4/6/2012]*

Formatted: Font: Italic

A person shall not transfer, permit the transfer or provide equipment for the transfer of Gasoline into or from any tank truck, trailer, or railroad tank car into any stationary storage container tank with a capacity of more than 251 gallons (950 liters) (251 gallons), or any Mobile Fueler tank with a capacity of more than 120 gallons (454 liters) unless the transfer is made to a storage container tank equipped as required in Rule 463 or unless all of the following conditions are met: *[tank types outlined in purpose/applicability statement. Mobile Fueler reference found in AVAQMD Rule 461, 10/28/2008 & SCAQMD Rule 461, 4/6/2012]*

Formatted: Indent: First line: 0"

Formatted: Font: Italic

Formatted: Font: Italic

(a) The ~~container tank~~ is equipped with a permanent CARB Certified Submerged Fill Pipe, and *[updated based on language from the AVAQMD Rule 461, 10/28/2008]*

(b) The vent pipe opening is equipped with a CARB Certified Pressure/Vacuum Relief Valve. *[updated based on language from the AVAQMD Rule 461, 10/28/2008]*

Formatted: Font: Italic

(cb) Such ~~The delivery vessel or container tank~~ is equipped with a CARB Certified Vapor Recovery System which has been certified by the California Air Resources Board, and the facility's vapor recovery system shall be capable of recovering or processing 98 percent (95/98%) of the displaced Gasoline Vapors, and *[clarity] [New to D6 – per EPA recommendation, removing delivery vessel]*

Formatted: Font: Italic

Formatted: Font: Italic

(d) The Mobile Fueler is equipped with a CARB Certified Vapor Recovery System capable of recovering or processing 95 percent (95%) of the displaced Gasoline Vapors. *[New to D6 – at EPA suggestion, section added to specifically address mobile fuelers per South Coast Rule 461 section (c)(1)(C) and SCAQMD Rule 448 section 301.3]*

Formatted: Font: Italic

(ee) All vapor return lines are shall be connected between the tank truck, trailer, or railroad tank car and the stationary storage container the tanks involved in the transfer, and the vapor recovery system is in operation in accordance with the manufacturer's specifications, and *In addition, the*

~~delivery vehicle, including all associated hoses, fittings, and couplings;~~
~~is~~couplings shall be maintained in a Liquid Tight and ~~vapor-tight~~Vapor
Tight condition, as defined by the applicable ~~California Air Resources~~
~~Board~~CARB Certification and test procedures ~~as referenced in (Section~~
(G) of this rule~~; and all equipment is operated and maintained according~~
~~to the manufacturer's specifications. [clarity – manufactures specs outlined~~
~~in “Additional Requirements” of this rule]~~

Formatted: Font: Italic

- (f) The hatch on any tank truck, trailer, or railroad tank car shall not be opened for more than three (3) minutes for each visual inspection, provided that:

(i) Transfer or pumping has been stopped for at least three (3) minutes prior to opening.

Formatted: Indent: Left: 1.5"

(ii) The hatch is closed before transfer or pumping is resumed.
[Updated based on language from the AVAOMD Rule 461, 10/28/2008]

Formatted: Font: Italic

Hatch openings are limited to no more than 3 minutes in duration for visual inspection, provided that pumping has been stopped for at least 3 minutes prior to opening, and the hatch is closed fully before pumping is resumed.

Formatted: Indent: First line: 0"

- (g) ~~Except for above-ground tanks, all lines~~Underground tank lines shall be ~~are~~ gravity drained~~; drained;~~ in such a manner that upon disconnect no liquid spillage would ~~be expected~~occur.

- (h) Above-ground storage tanks shall be equipped with ~~d~~Dry Bbreaks, such that liquid spillage upon disconnect shall not exceed 10 milliliters; ~~and.~~

- (i) Equipment subject to this section ~~is~~shall be operated and maintained, ~~with~~
~~no defects, as follows~~according to all of the following requirements:

- (i) All fill tubes ~~are~~shall be equipped with Vapor Tight ~~vapor-tight~~ covers, including gaskets; ~~and~~
- (ii) All ~~D~~ry Bbreaks ~~have~~shall be equipped with ~~vapor-tight~~Vapor Tight seals and ~~are equipped with vapor-tight covers or dust covers;~~and
- (iii) Coaxial fill tubes ~~are~~shall be operated and maintained so that there is no obstruction of vapor passage from ~~the storage tank back to the delivery vehicle~~ any portion of the Vapor Recovery System; ~~and~~
- (iv) The fill tube assembly, including fill tube, fittings and gaskets; ~~is~~ shall be maintained to prevent vapor leakage from any portion of the ~~V~~vapor ~~R~~ecovery ~~S~~ystem; ~~and.~~
- (v) All storage tank ~~or Mobile Fueler~~ vapor return ~~pipes-lines~~ without ~~D~~ry Bbreaks ~~are~~shall be equipped with ~~vapor-tight~~Vapor Tight covers, including gaskets.

- (j) Aboveground storage tanks subject to Phase I requirements must also comply with Standing Loss Control requirements as specified in the applicable CARB Executive Orders. *[New to D6 – suggested addition from CARB]*
- (k) Any time an underground storage tank is installed or replaced at any Gasoline Transfer and Dispensing Facility, a CARB Certified Spill Box shall be installed.
- (l) A person shall not install or permit the installation of any Phase I Vapor Recovery System of the coaxial design at any Gasoline Transfer and Dispensing Facility unless such system was certified by CARB after January 1, 1994; and
- (m) A person shall not install or permit the installation of any Phase I Vapor Recovery System of the dual-point design at any Gasoline Transfer and Dispensing Facility unless such system incorporates CARB Certified Poppetted Dry Breaks or spring-loaded Vapor Check Valves on the vapor return coupler.
- (n) The Owner/Operator of a new or Altered Gasoline Transfer and Dispensing Facility, involving exposure of underground storage tank and associated piping, shall have all underground storage tank installation and associated piping configuration inspected prior to any Backfilling to verify that all underground equipment is properly installed in accordance with the requirements specified in the applicable CARB Executive Order. The District shall be notified by telephone at least 24 hours prior to the Backfilling. *[Language (h)-(o) obtained from AVAOMD Rule 461, 10/28/2008]*

Formatted: Indent: Left: 1"

Formatted: Font: Italic

(2) Gasoline Transfer ~~into~~ Vehicle Fuel Tanks (Phase II)

A person shall not transfer, or permit the transfer or provide equipment for the transfer of ~~Gasoline~~ from a stationary storage ~~container-tank or Mobile Fueler of greater than 120 gallons (454 liters) capacity, into any Mobile Fueler of greater than 120 gallons (454 liters) capacity or into any Motor Vehicle fuel tank of greater than 5 gallons (19 liters) capacity unless all of the following conditions are met; subject to the provisions of Section (C)(1), or from a storage container to which gasoline has been transferred from another container subject to the provisions of Section(C)(1), into any motor vehicle tank of greater than 19 liters (5 gallons) capacity unless:~~ *[updated capacity information from AVAOMD Rule 461, 10/28/2008]*

Formatted: Indent: First line: 0"

Formatted: Font: Italic

- (a) The dispensing unit used to transfer the ~~Gasoline~~ from the stationary storage ~~container-tank or Mobile Fueler~~ to the ~~Motor V~~ehicle fuel tank is equipped with a CARB Certified Vapor Recovery System ~~which has been certified by the California Air Resources Board as capable of recovering 95 percent (95%) of the displaced Gasoline Vapors, or having an emission factor not exceeding 0.38 pounds per 1,000 gallons; and~~ *[emission factor added from SCAOMD, Rule 461, 4/6/2012]*

Formatted: Font: Italic

- ~~(b) The vapor recovery system is operating in accordance with the manufacturer's specifications; and~~ *[removed reference here and added to*

Formatted: Font: Italic

additional requirements so that it could be applicable to both Phase I and Phase II]

- (b) The system and associated components shall be maintained Vapor Tight and Liquid Tight at all times.
- (e) Equipment subject to this rule is operated and maintained with none of the following defects, pursuant to the definitions in California Administrative Code Section 94006, Subchapter 8, Chapter 1, Part III, of Title 17: [removed reference here and added to additional requirements so that it could be applicable to both Phase I and Phase II]
- (i) Torn or cut boots;
 - (ii) Torn or cut face seals or face cones;
 - (iii) Loose or broken retractors;
 - (iv) Boots clamped or otherwise held in an open position;
 - (v) Leaking nozzles;
 - (vi) Loose, missing, or disconnected nozzle components, including but not limited to boots, face seals, face cones, check valve wires, diaphragm covers and latching devices;
 - (vii) Defective shutoff mechanisms;
 - (viii) Loose, missing, or disconnected vapor fuel hoses and associated components including but not limited to flow restrictors, swivels and anti-recirculation valves;
 - (ix) Crimped, cut, severed, or otherwise damaged vapor or fuel hoses;
 - (x) Missing, turned off, or otherwise not operating assist type vapor recovery systems, or any components of such systems;
 - (xi) Improper or non "CARB certified" equipment or components;
 - (xii) Inoperative, severely malfunctioning or missing vacuum producing device;
 - (xiii) Inoperative, loose, missing or disconnected pressure/vacuum relief valves, vapor check valves or dry breaks. [removed listed deficiencies instead referencing the VRED in Additional Requirements section.]

Formatted: Rule Text 2

Formatted: Font: Italic

Formatted: Font: Italic

(c) Each Balance-System nozzle is equipped with a CARB Certified Insertion Interlock Mechanism and a CARB Certified Vapor Check Valve which shall be located in the nozzle.

(d) Each Gasoline-dispensing nozzle is equipped with a coaxial hose as specified in the applicable CARB Executive Order.

(e) Dispensing nozzles shall be equipped with CARB Certified hold-open latches unless prohibited by local fire code and/or State Fire Marshall.

(f) Unless otherwise specified in the applicable CARB Executive Orders, all Liquid Removal devices installed for any Gasoline dispensing nozzle with a dispensing rate of greater than five gallons per minute shall be CARB Certified with a minimum Liquid Removal rate of five milliliters per gallon transferred.

Formatted: Rule Text 2

(g) The breakaway coupling shall be CARB Certified. Any breakaway coupling shall be equipped with a poppet valve, which shall close and maintain both the Gasoline Vapor and liquid lines Vapor Tight and Liquid Tight when the coupling is separated. In the event of a separation due to a "drive-off", the Owner/Operator shall complete one of the following and document the activities pursuant to section (E) of this rule, for recordkeeping requirements:

(i) Conduct a visual inspection of the affected equipment and perform qualified repairs on any damaged components before placing any affected equipment back in service. In addition, the affected equipment shall be tested in accordance to applicable test methods as specified in the applicable CARB Executive Orders and the corresponding CARB approved Installation, Operation and Maintenance manual and successfully passed prior to the affected equipment dispensing Gasoline into any Vehicle; or

Formatted: Rule Text 2, Indent: Left: 2"

(ii) Conduct a visual inspection of the affected equipment and replace the affected nozzles, coaxial hoses, breakaway couplings, and any other damaged components with new or certified rebuilt components that are CARB Certified, before placing any affected equipment back in service. *[(d)-(g)updated from SCAOMD, Rule 461, 4/6/2012]*

Formatted: Font: Italic

(3) Other Additional Activities & Equipment Requirements

(a) Equipment subject to this rule is operated and maintained with none of the defects listed in California Code of Regulations, Section 94006, Subchapter 8, Chapter 1, Part III of Title 17, as specified in the most recently adopted CARB "Vapor Recovery Equipment Defects List" (<https://www.arb.ca.gov/vapor/vred/vred.htm>).

(b) A person shall not supply, offer for sale, sell or install or allow the installation of any Vapor Recovery System or any of its components, unless the system and component are CARB Certified. Each Vapor Recovery System and its components shall be clearly and permanently marked with the qualified manufacturer's name and model number as certified by CARB. In addition, the qualified manufacturer's unique serial number for each component shall also be clearly and permanently marked for the dispensing nozzles. Any qualified manufacturer who Rebuilds a component shall also clearly and permanently mark the corresponding information on the component [Language from AVAQMD Rule 461, 10/28/2008]

Formatted: Font: Italic

(ca) Newly installed Vapor Recovery Systems shall install CARB Certified equipment pursuant to the latest applicable Executive Order used to comply with the provisions of this rule shall:

- (i) Be limited to those systems certified by the Air Resources Board as the latest generation equipment at the time the installation is initiated, and
- (ii) Utilize only equipment identified by the Air Resources Board as achieving the highest reliability and maintainability compatible with the certified system selected for installation.
- (iii) Utilizing dispensing nozzles equipped with a hold-open latch unless the local fire code prohibits the use of the hold-open latch.

(b)d) Vapor processing or vapor Recovery Systems used to comply with the provisions of this rule shall comply with all safety, fire, weights and measures, and other applicable codes and/or regulations.

(e) A person shall not offer for sale, sell or install within the district any new or rebuilt vapor recovery equipment unless the components and parts clearly identify by markings the certified manufacturing company and/or certified rebuilding company. [provisions outlined in section (C)(3)(b) of this rule.]

Formatted: Font: Italic

(ed) Vapor Recovery Systems required under Section (C)(1) or Section (C)(2) shall at all times be operated and maintained in accordance with the manufacturer's specifications and the State's certification.

(fe) When problems deficiencies are or defects are detected and are associated with any vapor recovery, storage, or delivery vessel or dispensing equipment, other than a breakdown of the central vapor incineration or processing unit, the equipment, the Owner/Operator shall at the End of Cycle end of the cycle remove the equipment from service and not use the equipment until it has been repaired, replaced or adjusted as necessary required to remove the problem or defect to comply with the provisions of this rule and applicable Executive Order(s). [clarity]

Formatted: Font: Italic

As applied to this subsection, the term "end of the cycle" means:

- (i) ~~for delivery vehicles when the delivery vehicle is emptied or, if not emptied, before taking on more gasoline.~~
- (ii) ~~for transferring gasoline to a motor vehicle is at the time the problem is detected, or at the end of refueling the current vehicle~~
[moved to the definition section of this rule]

Formatted: Font: Italic

(g) A person shall not perform or permit ~~the a~~ "pump-out" (bulk transfer) of ~~G~~gasoline from a storage ~~container-tank~~ subject to Section (C)(1) unless such bulk transfer is performed using a ~~V~~vapor ~~R~~ecovery ~~S~~ystem capable of returning the displaced vapors from the delivery vessel or other ~~container-tank~~ being filled back to the stationary storage ~~containertank~~. This vapor recovery is not required where the container is to be removed or filled with water for testing. For visual inspections, the requirements of Subsection (C)(1)(d) are applicable. ~~[Removed. Provisions not included in SCAQMD 461, AVAQMD 461, Yolo-Solano 2.22, or Sac Metro 449]~~

Formatted: Font: Italic

(h) A person shall not store, or allow the storage of, ~~g~~Gasoline in any stationary storage ~~container-tank~~ with a capacity of more than 251 gallons (950 liters ~~(251 gallons)~~) unless such ~~containertank~~:

- (i) Complies with Rule 463; or
- (ii) Is equipped with a Phase I Vapor Recovery System ~~permanent submerged fill pipe and a certified vapor recovery system.~~

(i) The ~~Owner/O~~perator of ~~each-any~~ Gasoline Transfer and Dispensing Facility subject to Section (C)(2) above shall conspicuously post District-required signs specified in Attachment A of this rule in the immediate Gasoline dispensing area. ~~in the gasoline dispensing area the operating instructions, the district's toll free telephone number for complaints and a District specified warning sign.~~ *[Language updated for clarity obtained from AVAQMD Rule 461, 10/28/2008 and SCAQMD Rule 461, 4/6/2012]*

Formatted: Font: Italic

(j) A fueling dispenser must be clearly labeled if it is not intended to be used to fuel Motor Vehicles. *[Language updated for clarity obtained from AVAQMD Rule 461, 10/28/2008]*

(k) Gasoline shall not be stored in open container(s) of any size or handled in any manner (spillage, spraying, etc.) that permits Gasoline or Gasoline Vapors to enter the atmosphere, contaminate the ground, groundwater, stormwater or the sewer systems. *[New to D6 – per EPA suggestion, moved from (C)(1)]*

Formatted: Font: Italic

(l) The Owner/Operator of a new or Altered Gasoline Transfer and Dispensing Facility shall have all Phase I and Phase II Vapor Recovery Systems inspected upon completion of the construction to verify that all components were installed in accordance with the description specified in the Authority to Construct and in compliance with all District requirements. The District shall be notified in writing of any changes to the information and specifications submitted with the application under

which the Authority to Construct was issued. [New to D6 – per EPA suggestion, moved from (C)(1)]

- (m) The failure of an Owner/Operator of any Gasoline Transfer and Dispensing Facility to meet any requirements of section (C) of this rule shall constitute a violation. Such non-compliant equipment shall be tagged "Out of Order." [New to D6 – per EPA suggestion, moved from (C)(1)]
- (n) Except during repair activity, the "Out of Order" tag specified in subsection (C)(3)(m) shall not be removed and the non-compliant equipment shall not be used, permitted to be used, or provided for use unless all of the following conditions are satisfied:
 - (i) The non-compliant equipment has been repaired, replaced, or adjusted, as necessary;
 - (ii) The Owner/Operator has notified the District of the repairs by completing, signing and submitting the form supplied by the District.
 - (iii) The non-compliant equipment has been reinspected and/or authorized for use by the District. [New to D8 – per EPA recommendation (C)(3)(n) moved from Section (C)(1) in revision D7 to (C)(4) and then to (C)(3) in revision D8.]

(4) Self-Compliance Program Requirements

The Owner/Operator of any Retail Gasoline Transfer and Dispensing Facility shall implement a self-compliance program as follows:

- (a) The self-compliance program shall include the following elements:
 - (i) Weekly maintenance inspections shall be conducted in accordance with the protocol specified in Attachment B to ensure proper operating conditions of all components of the Vapor Recovery Systems.
 - (ii) Periodic compliance inspections shall be conducted at least once every twelve months and in accordance with the protocol specified in Attachment C to verify the compliance with all applicable District rules and regulations, as well as all permit conditions.
 - (iii) Maintenance schedules consistent with the applicable Phase I and Phase II Vapor Recovery Systems and components installed at the Gasoline Transfer and Dispensing Facility.
 - (iv) An employee training program including the following:
 - a. Itemized training procedures for employees responsible for conducting any part of the self-compliance program.

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: Left: 1", First line: 0"

Formatted: Indent: Hanging: 0.5"

Formatted: Indent: Left: 1.5", Hanging: 0.5", Space After: 0 pt

Formatted: Indent: First line: 0", Space After: 0 pt

Formatted: Indent: Left: 2.5", Hanging: 0.5", Space After: 0 pt

- b. A training schedule to periodically train any employee responsible for conducting any part of the self-compliance program.
- c. A record for each employee of the dates of training provided and the next training date.
- d. A procedure to review and establish any additional necessary training following any changes or updates to the CARB Executive Order for the installed Vapor Recovery System.

Formatted: Indent: Left: 2.5", Hanging: 0.5"

- (b) Any equipment with Major Defect(s) which are identified during the weekly maintenance inspections or periodic compliance inspections shall be removed from service, repaired, brought into compliance, and duly entered into the repair logs required under section (E) of this rule, for record keeping, before being returned to service.

Formatted: Indent: Hanging: 0.5"

- (d) Defects discovered during self-inspection and repair shall not constitute a violation of Rule 461. [New Section based on AVAQMD Rule 461 10/28/2008]

Formatted: Indent: Left: 1"

(D) Exemptions

- (1) The provisions of this rule shall not apply to the transfer of Gasoline:
 - (a) Into or from any stationary storage container-tank of less than 550 gallons capacity, which is used for the fueling of implements of husbandry as such Vehicles are defined in Division 16 (Section 36000 et. seq.) of the California Vehicle Code, if such container-tank is equipped with a permanent Submerged Fill Pipe.
 - (b) Into or from any underground stationary container-tank using only hand pumping, for the purpose of providing emergency services during loss of commercial power, where the district Air Pollution Control Officer (APCO) has certified that such pumping cannot comply with the provisions of Section (C)(2) and where such hand pumping capability is otherwise required by law or regulation.
 - (c) Into or from any stationary storage container-tank of any Retail Gasoline Station installed prior to December 19, 1988 which meets all the following conditions:
 - (i) The monthly Gasoline Throughput of the Facility does not exceed 10,000 gallons and the annual Gasoline Throughput of the Facility does not exceed 60,000 gallons, on a calendar month and calendar year basis, respectively, beginning with 1988 and
 - (ii) The Facility has not been modified after December 19, 1988 where modified means the installation of a new tank, replacement

- of any existing tank, and/or excavation (exposing) of 50 percent (50%) or more of a Ffacility's total underground liquid piping from the stationary storage tanks to the Gasoline dispensers, ~~and~~
- (iii) The transfer of Gasoline from any delivery Vehicle into those stationary storage ~~containers tanks~~ with a capacity of more than 251 gallons (950 liters ~~(251 gallons)~~) is limited to those ~~containers tanks~~ which are equipped with permanent Submerged Fill Pipes, ~~and~~
 - (iv) All dispensing nozzles are equipped with a hold-open latch unless the local fire code, or State Fire Marshal code prohibits the use of the hold-open latch, ~~and~~
 - (v) The Facility Owner/Operator provides adequate evidence
 - (a) That compliance would be economically prohibitive and the alternative would be closure of the Facility, ~~and~~
 - (b) That the Facility provides essential emergency fueling for Motor Vehicles and closure would result in a lessening of public safety, ~~and~~
 - (c) That no other non-exempt retail Facility open during reasonable hours exists within a driving distance of 5 miles, ~~and~~
 - (vi) The Owner/Operator receives written approval from the ~~d~~District APCO in response to a formal request for exemption. Such exemptions shall be based solely on the evidence demonstrating the validity of the conditions listed above. If during any calendar month thereafter the Gasoline throughput exceeds 10,000 gallons, the exemption shall cease, effective the first day of the following calendar month. If during any calendar year thereafter the Gasoline throughput exceeds 60,000 gallons, the exemption shall cease, effective the first day of the following calendar year.

(2) Existing facilities that no longer meet exemption criteria shall:

- (a) Secure an Authority to Construct from the District prior to the commencement of modifications.
- (b) Secure all other permits and approvals as required.
- (c) Assure compliance with Sections (C)(1) and (C)(2) at the time Gasoline is first received or dispensed from the Facility.

~~(2) Any Facility classified as exempt or claiming to be exempt pursuant to this section shall meet the same record-keeping requirements as expressed in Section (E) of this rule so as to be able to prove the claimed exempt status. *[moved to(E)(3)]*.~~

Formatted: Rule Text 1

Formatted: Rule Section, Indent: Left: 1", Hanging: 0.5"

Formatted: Rule Section, Indent: Left: 0.5", First line: 0.5"

Formatted: Rule Section, Indent: Left: 1", Hanging: 0.5"

Formatted: Font: Italic

(3) The requirements of (C)(2) shall not apply to dedicated, non-public accessible, fuel dispensing equipment serving Vehicle fleets where 95 percent (95%) of the fleet Vehicles are equipped with Onboard Refueling Vapor Recovery (ORVR) systems. To qualify for this exemption, the fleet Operator must also own the Gasoline Transfer and Dispensing operation that services the Vehicle fleet, and maintain records as outlined in (E)(3)(6) supporting ORVR fleet exemption.

(a) Prior to operating under the exemption in Section (D3), Owner/Operator shall obtain a valid Authority to Construct or Permit to Operate allowing such operations. [(D)(3) exemption from AVAQMD, Rule 461, 10/28/2008]

Formatted: Indent: Left: 1"

Formatted: Font: Italic

(4) Any Facility classified as exempt or claiming to be exempt pursuant to this section shall meet the same record keeping requirements as expressed in Section (E) of this rule so as to be able to prove the claimed exempt status.

(E) Record Keeping and Reporting

(1) The owner or operator shall maintain a log of all inspections, repairs, and maintenance on equipment subject to this rule.

(2) The owner or operator of a facility exempt under Subsections (D)(1)(a) or (D)(1)(d), in order to determine the exemption, shall prepare a log showing the monthly throughput and a summary of the throughput for the calendar year to date. Therefore, a facility exempt under Subsection (D)(1)(a) must also show the throughput used to refuel implements of husbandry.

(3) A daily log of product throughput shall be maintained by each facility.

(4) All required records and logs shall be maintained at the facility for at least two (2) years and shall be made available to the APCO upon request. [All aspects of this section covered under new recordkeeping section below]

Formatted: Font: Italic

(E) Recordkeeping

A person who performs the installation of components, self-compliance inspections, repairs or testing at any Gasoline Transfer and Dispensing Facility, including, but not limited to, the activities for normal operation and maintenance, Performance Testing, Re-Verification Testing and those following a drive-off, shall provide to the Owner/Operator all records listed below, as applicable, at the end of each day when the service is provided. The Owner/Operator of any Retail or non-retail Gasoline Dispensing Facility shall maintain all records listed below and any other test results or maintenance records that are required to demonstrate compliance on site for a period of at least two (2) years (or five (5) years for Title V facilities). Notwithstanding, records for non-retail Gasoline Dispensing Facilities that are unmanned may be kept at other locations approved by the APCO. All records shall be made available to the APCO upon request both on site during inspections and offsite as specified.

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

- (1) Records of all components installed, defective components identified or repaired during self-compliance inspections.
- (2) Repair logs, which shall include:
- (a) Date and time of each repair.
- (b) The name of the person(s) who performed the repair, and, if applicable, the name, address and phone number of the person's employer.
- (c) Description of service performed.
- (d) Each component that was installed, repaired, serviced, or removed, including the required component identification information pursuant to subsection (C)(3)(b).
- (e) Each component that was installed as replacement, if applicable, including the required component identification information pursuant to subsection (C)(3)(b).
- (f) Receipts for parts used in the repair and, if applicable, work orders, which shall include the name and signature of the person responsible for performing the repairs.
- (3) Records of tests, which shall include:
- (a) Date and time of each test.
- (b) Name, affiliation, address and phone number of the person(s) who performed the test.
- (c) Test data and calibration data for all equipment used.
- (d) Date and time each test is completed and the Facility Owner/Operator is notified of the results. For a test that fails, a description of the reasons for the test failure shall also be included.
- (e) For a re-test following a failed performance or reverification test, description of repairs performed pursuant to subsection (F)(1) and (F)(2).
- (f) Copies of test reports in District approved format.
- (4) Monthly Gasoline throughput records.
- (5) Records to prove that the installer/contractor that installed or altered the Enhanced Vapor Recovery (EVR) equipment has successfully completed a manufacturer training program and any relevant state certification program applicable to the Phase I and Phase II Enhanced Vapor Recovery systems and associated components as specified in subsection (C)(3)(b).

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted

Formatted: Indent: First line: 0.5"

Formatted: Indent: Left: 0.5", First line: 0.5"

Formatted

Formatted

Formatted: Indent: Left: 1", Hanging: 0.5"

Formatted: Indent: Left: 0.5", First line: 0.5"

Formatted

Formatted: Indent: Left: 1", Hanging: 0.5"

Formatted

Formatted

Formatted

Formatted

Formatted: Indent: First line: 0.5"

Formatted: Indent: Left: 0.5", First line: 0.5"

Formatted

Formatted: Indent: Left: 1", Hanging: 0.5"

Formatted

Formatted: Indent: Left: 0.5", First line: 0.5"

Formatted

Formatted: Indent: Left: 1", Hanging: 0.5"

Formatted

Formatted

Formatted: Indent: Left: 0.5", First line: 0.5"

Formatted

Formatted: Indent: First line: 0.5"

Formatted

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted

(6) Recordkeeping for Exempt Fleets An Owner/Operator claiming exemption under Section (D)(3) shall keep a record of the make, model, model year, and Vehicle identification number of all Vehicles refueled at the Gasoline dispensing Facility. These records shall be maintained on the premises for at least two (2) calendar years. [Recordkeeping (section (E)) added from language present in AVAQMD, Rule 461, 10/28/2008].

(F) Performance Testing and Re-Verification Requirements

(1) Within 60 calendar days or after dispensing the first 60,000 gallons of fuel into a Mobile Fueler or a Vehicle fuel tank, the Owner/Operator of a new or Altered Gasoline Transfer and Dispensing Facility shall conduct and successfully pass the Performance Tests in accordance with the test methods referenced in applicable CARB Executive Orders as specified in section (G), as well as any additional tests required by District Permits, to verify the proper installation and operation of Phase I and Phase II Vapor Recovery Systems. Test results shall be submitted as stated in subsections (F)(3)(d) and (F)(3)(e). [New to D6 – Per EPA suggestion to reduce required time to conduct testing, changed days from 90 to 60 for amount of time after opening to conduct test. 60 days is also what is required in EO. Section language also updated to reflect CARB executive order instead of listed tests in section (G)]

(2) The Owner/Operator shall conduct and successfully pass the Re-Verification Tests in accordance with the test methods referenced in section (G), and any additional tests required by the applicable CARB Executive Orders or District Permits, to verify the proper operation of the Vapor Recovery Systems. Test results shall be submitted as stated in subsections (F)(3)(d) and (F)(3)(e).

(a) The Re-Verification Tests at Retail and Non-Retail Gasoline Transfer and Dispensing Facilities shall be conducted annually.

(b) Re-Verification Testing shall be conducted no later than the last day of the same month the testing occurred in the prior year. When a new Performance Test schedule is required due to a Facility alteration, new Re-Verification Testing months shall be established based on the date of the Performance Tests. [New to D6 – first sentence updated per District Compliance recommendation – no later than, instead of same month each year]

(c) In case of a change of Owner/Operator, the new Owner/Operator shall conduct the next Re-Verification Test on the same testing month as established by the previous Owner/Operator, if the previous Re-Verification Testing records are available. When no testing records are available, the new Owner/Operator shall complete all the applicable Re-Verification Testing within 60 calendar days of the change of Owner/Operator. [New to D6 - Per EPA suggestion, changed testing requirement from 90 to 60 days]

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: 12 pt

- (3) A person who conducts performance or Re-Verification Tests shall comply with all of the following:
- (a) Conduct performance or Re-Verification Tests in accordance with the applicable test methods referenced in section (G) and other CARB testing procedures. Tests shall be conducted using calibrated equipment meeting the calibration range and calibration intervals specified by the manufacturer.
 - (b) Notify the District at least ten calendar days prior to testing. In the event that a Performance Test or Re-Verification Test cannot be conducted at the scheduled date and time, the test may be rescheduled to a later date and time provided that the District is notified at least 24 hours prior to the originally scheduled time. All notification under this subsection shall be provided by District approved methods.
 - (c) Conduct performance and Re-Verification Tests during normal District business hours. The APCO may approve alternative testing.
 - (d) Submit a copy of the PASS/FAIL test results in a District approved format to the APCO within 30 calendar days after each test is conducted. The PASS/FAIL test results are a summary of the overall results of each test.
 - (e) Submit the final test report demonstrating compliance within 30 calendar days of the date when all tests were passed. The test report shall include all the required records of all tests performed, test data, current MDAQMD Facility ID number of the location being tested, the equipment Permit to Operate or Application number and, a statement whether the system or component tested meets the required standards.
- (4) The Owner/Operator shall not operate or resume operation of a Gasoline Transfer and Dispensing Facility, unless the Facility has successfully passed the applicable performance or Re-Verification Tests. Notwithstanding the above, when a dispenser associated with any equipment that has failed a Re-Verification Test is isolated and shut down, the Owner/Operator may continue operation or resume operation of the remaining equipment at the Facility, provided that test results demonstrate that the remaining equipment is in good operating condition. All test results and the method of isolating the defective equipment shall be documented in the test reports to be submitted to the APCO pursuant to subsection (F)(3)(c)-(e). [Section F language taken from AVAQMD, Rule 461, 10/28/2008]

(F) Compliance Schedule

- (1) Existing facilities which were exempted by Subsection (D)(1)(a):
- (a) The owner or operator of any stationary storage container which was exempt by Subsection (D)(1)(a) and which is modified on or after December 19, 1988 shall comply with this rule in accordance with the following schedule:

Formatted: Rule Text 1

~~(i) Secure an Authority to Construct from the district prior to the commencement of modifications.~~

~~(ii) Secure all other permits and approvals as required. [Section (E)(1)(a) covered under section (D)(1)(vi)]~~

Formatted: Font: Italic

Formatted: Font: Italic

~~(iii) Assure compliance with Sections (C)(1) and (C)(2) at the time gasoline is first received or dispensed from the facility. [moved to Exemption section.]~~

~~(b) The owner or operator of any stationary storage container which was exempt by Subsection (D)(4) and which is no longer exempt, shall comply with this rule in accordance with the following schedule:~~

~~(i) Secure an Authority to Construct from the district by March 31 of the year of the loss of the exemption and before the commencement of modifications.~~

~~(ii) Secure all other permits and approvals as required.~~

~~(iii) Commence construction by September 30 of the year of the loss of the exemption.~~

~~(iv) Assure compliance with Sections (C)(1) and (C)(2) by December 30 of the year of the loss of the exemption. [D)(4) Does not exist in '94 version nor this update. Not sure what it originally referred to.]~~

Formatted: Font: Italic

(G) Test Methods ~~f~~For Compliance Verification

~~When more than one test method is specified, a violation of any one test is a violation of the rule. [New to D6 –added per suggestion from EPA]~~

Formatted: Font: Italic

~~(1) All required tests shall be conducted in accordance with the most recently CARB approved version of CARB test methods or as stated in the applicable CARB Executive Orders including the corresponding Installation, Operation and Maintenance Manual test procedures or any other test methods approved in writing by the USEPA, CARB, and the District.~~

Formatted: Font: Not Italic

Formatted: Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Not Italic

~~[New to D9 – Testing Language updated based on South Coast Language (Rule 461 – Gasoline Transfer and Dispensing (April 6th, 2012) referring to the CARB executive orders and other approved methods for testing.]~~

Formatted: Superscript

~~[New to D7 – More detail in testing language, updated based on San Diego County APCD (SDAPCD) Rule 61.4 – Transfer of Volatile Organic Compounds into Vehicle Fuel Tanks (03/26/08).]~~

Formatted: Strikethrough

~~[New to D6 – CARB suggested referring only to the CARB Executive Orders for current list of required tests.]~~

Formatted: Strikethrough

~~A violation determined by any one of these test methods shall constitute a violation of the rule.~~

Formatted: Indent: Left: 0.5"

- (1) ~~Vapor Tightness (Fugitive Vapor Leaks) for all equipment described in Section (C) shall be determined by EPA Method 21—Determination of Volatile Organic Compounds Leaks.~~
- (2) ~~Vapor Recovery System Efficiency for Delivery Vessels shall be determined by the EPA Method entitled Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (method specified in the CTG EPA-450/2-78-051), or the CARB Method entitled, "Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks".~~
- (3) ~~Reid Vapor Pressure shall be determined in accordance with ASTM Method D 323-82.~~
- (4) ~~Vapor Recovery System Efficiency for Bulk Plants shall be determined by CARB Method 202, "Certification of Vapor Recovery Systems—Bulk Plants".~~
- (5) ~~Vapor Recovery System Efficiency for Terminals shall be determined by CARB Method 203, "Certification of Vapor Recovery Systems—Gasoline Terminals".~~
- (6) ~~Vapor Recovery System Efficiency for Service Stations shall be determined by the CARB Methods in "Test Procedures for Determining the Efficiency of Gasoline Vapor Recovery Systems at Service Stations".~~

See SIP Table at <http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=45>

{SIP: Approved 5/3/95, 60 FR 21702, 40 CFR 52.220(e)(198)(I)(E)(1); Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(e)(85)(v)(A); Approved 12/21/78, 43 FR 59489, 40 CFR 52.220(e)(42)(xiii)(A); Approved 7/26/77, 42 FR 37976, 40 CFR 52.220(e)(35)(ii) and 40 CFR 52.220(e)(31)(vi)(A)}

This page intentionally left blank.

Formatted: Normal

Formatted: Normal, Centered

Formatted: Normal

ATTACHMENT A

MDAQMD-REQUIRED SIGNS

(A) The Operator shall post the following signs:

- (1) "NOZZLE" operating instructions;
- (2) Mojave Desert AQMD's" toll-free telephone number (800) 635-4617; and
- (3) A "warning" stating:

TOXIC RISK

FOR YOUR OWN PROTECTION DO NOT BREATHE FUMES

DO NOT TOP OFF TANKS"

(B) All required signs shall conform to all of the following:

- (1) For decal signs:
 - (a) Each sign shall be visible from all Fueling Positions it serves; and
 - (b) Sign shall be readable from a distance of 3 feet.
- (2) All other signs:
 - (a) For pump toppers, one double-back sign per island;
 - (b) For permanent (non-decal) signs, two single-sided or one double-sided sign(s) per two (2) dispensers; and
 - (c) All signs shall be readable from a distance of 6 feet

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Left, Space After: 12 pt

Formatted: Font: Bold

Formatted: Left, Indent: First line: 0.5", Space After: 12 pt

Formatted: Font: Bold

Formatted: Left, Space After: 6 pt

Formatted: Space After: 6 pt

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Left, Space After: 6 pt

Formatted: Font: Bold

Formatted: Left, Space After: 12 pt

Formatted: Left, Indent: First line: 0.5", Space After: 12 pt

Formatted: Left, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Left, Indent: First line: 0.5", Space After: 12 pt

Formatted: Left, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

This Page Intentionally Left Blank

Formatted: Normal, Centered, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

ATTACHMENT B

MAINTENANCE INSPECTION PROTOCOL

The Owner/Operator of a Retail Gasoline Transfer and Dispensing Facility shall at minimum verify the following during required maintenance inspections:

(A) PHASE II VAPOR RECOVERY SYSTEM INSPECTION

- (1) The fueling instructions are clearly displayed with the appropriate toll-free complaint phone number and toxic warning signs.
- (2) The following nozzle components are in place and in good condition, as specified in CARB Executive Orders:
 - (a) faceplate/facecone; vapor splash guard/fill guard/efficiency compliance device (ECD)/VEG
 - (b) bellows
 - (c) latching device spring
 - (d) Vapor Check Valve
 - (e) spout (proper diameter/vapor collection holes)
 - (f) Insertion Interlock Mechanism
 - (g) automatic shut-off mechanism
 - (h) hold open latch
- (3) The hoses are not torn, flattened or crimped.
- (4) For Vacuum-Assist Systems, the vapor processing unit and burner are functioning properly. [New to D6 – at the suggestion of District Compliance staff, removed Phase I self-inspection requirements]

(B) RECORDS OF DEFECTIVE COMPONENTS

Formatted: Font: Bold

Formatted: Normal, Centered, Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", Space After: 12 pt

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1.5", Hanging: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1.5", Hanging: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space After: 12 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Indent: Left: 0.5", Space After: 12 pt

Formatted: Font: Bold

This page intentionally left blank.

Formatted: Normal, Centered, Indent: Left: 0.5", Space
After: 12 pt

ATTACHMENT C

PERIODIC COMPLIANCE INSPECTION PROTOCOL

The Owner/Operator of a Retail Gasoline Transfer and Dispensing Facility shall at minimum verify the following during the periodic compliance inspections:

(A) GENERAL INSPECTION

- (1) The District permit is current.
- (2) The equipment and District permit description match.
- (3) The Facility complies with all permit conditions.
- (4) The required sign is properly posted and the sign contains all the necessary information (i.e., toll-free complaint phone number, toxic warning sign, etc.).

(B) PHASE I VAPOR RECOVERY SYSTEM INSPECTION

- (1) The spill container is clean and does not contain Gasoline.
- (2) The fill caps are not missing, damaged or loose.
- (3) If applicable:
 - (a) The spring-loaded Submerged Fill Tube seals properly against the coaxial fitting.
 - (b) The Dry Break (poppet valve) is not missing or damaged.
- (4) The Submerged Fill Tube is not missing or damaged.
- (5) The distance between the highest level of the discharge opening of the Submerged Fill Tube and the bottom of the stationary storage tank does not exceed six inches (6").
- (6) The Phase I Vapor Recovery System complies with required CARB certification and is properly installed.
- (7) The Spill Box complies with required CARB certification and is properly installed.
- (8) The vent pipes are equipped with CARB Certified Pressure/Vacuum Relief Valves.

Formatted: Font: Bold

Formatted: Normal, Centered, Indent: Left: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", Space After: 12 pt

Formatted: Font: Bold

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space After: 12 pt

Formatted: Font: Bold

Formatted: Normal, Indent: Left: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1.5", Hanging: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space After: 12 pt

Formatted: Indent: Left: 1", Hanging: 0.5"

(C) PHASE II VAPOR RECOVERY SYSTEM INSPECTION

- (1) The fueling instructions are clearly displayed.
- (2) Each nozzle is the current CARB-certified model.
- (3) Each nozzle is installed in accordance with the applicable CARB Executive Orders.
- (4) The following nozzle components are in place and in good condition, as specified in CARB Executive Orders or California Code of Regulations, Title 17, Part III, Chapter 1, subchapter 8, section 94006 or Health and Safety Code Section 41960.2 (e):
 - (a) faceplate/facecone; vapor splash guard/fill guard/efficiency compliance device (ECD)
 - (b) bellows
 - (c) latching device spring
 - (d) Vapor Check Valve
 - (e) spout (proper diameter/vapor collection holes)
 - (f) Insertion Interlock Mechanism
 - (g) automatic shut-off mechanism
 - (h) hold open latch
- (5) The hoses are not torn, flattened or crimped.
- (6) The vapor recovery hoses are the required size and length.
- (7) The hoses with retractors are adjusted to maintain a proper loop, and the bottom of the loop is within the distance from the island surface certified by the CARB Executive Order for that particular dispenser configuration.
- (8) The vapor recovery nozzles are equipped with required hoses.
- (9) The bellows-equipped vapor recovery nozzles are equipped with "CARB Certified" Insertion Interlock Mechanisms.
- (10) If required, the flow limiter is not missing and is installed properly.
- (11) The swivels are not missing, defective, or leaking, and the dispenser-end swivels, if applicable, are Fire-Marshall approved with 90-degree stops.

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Font: Bold

Formatted: Normal, Indent: Left: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1.5", Hanging: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 0.5", First line: 0.5", Space After: 12 pt

Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space After: 12 pt

- (12) If required, the Liquid Removal Devices comply with required CARB certifications and are properly installed.
- (13) For Bellows-Less Nozzles, the hoses are inverted coaxial type except for Hirt systems, and the vapor collection holes are not obstructed.
- (14) For Vacuum-Assist Systems, the vapor processing unit and burner are functioning properly.
- (15) For Aspirator-Assist Systems, the major components (i.e. aspirator or jet pump, modulating valve, and Vapor Check Valve) are present inside each dispenser. For Aspirator-Assist Systems with certification-required calibration stickers, the current calibration sticker is present.

This page intentionally left blank.

(Adopted: 01/09/76; Amended: 05/07/76; CARB Ex. Ord. G-73: 02/01/77; Readopted: 07/25/77; Amended: 10/13/80; Amended: 12/19/88; Amended: 11/02/92; Amended: 05/25/94; Amended: mm/dd/yy)

Formatted: Section start: Continuous

RULE 462
Organic Liquid Loading

(A) General Description

(1) Purpose:

(a) ~~The purpose of this rule is to~~To limit-control the emissions of Volatile Organic Compounds (VOC) and toxic compounds ~~(such as benzene)~~ from facilities that transport and load organic liquids into tanks, including Motor Vehicle fuel tanks, tank trucks, trailers or railroad tank cars. Organic Liquid Loading (any organic liquid, including gasoline), and in conjunction with Rules 461 and 463, limit the emissions from the storage, transfer, and dispensing of organic liquids. *[Reorganized purpose and applicability in an effort to streamline]*

Formatted: Rule Text 2

(2) Applicability:

~~(a)~~The provisions of this rule shall apply to all Class "A" or "B" Facilities, Retail and non-retail service stations or any other facility where Organic Liquids are stored or transferred. This rule applies to the transport of organic liquids, including fuels such as gasoline, between facilities and the transfer of such organic liquids into tanks, including motor vehicle fuel tanks, tank trucks, trailers or railroad tank cars. Facilities subject to this rule include, but are not limited to, bulk facilities, retail and non-retail service stations or any other facility where organic liquids are stored or transferred. *[Reorganized purpose and applicability in an effort to streamline]*

Formatted: Rule Text 2

Formatted: Font: Italic

(3) Severability:

Formatted: Rule Text 2

(a) If any portion of this rule shall be found to be unenforceable, such finding shall have no affect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect. *[New to D8 – added at the suggestion of District Counsel. Language obtained from MD Rule 463 – Organic Liquid Storage]*

Formatted: Indent: Left: 1"

Formatted: Font: Italic

Formatted: Rule Text 2

(B) Definitions

The definitions contained in District Rule 102 – Definition of Terms, shall apply unless a term is otherwise defined herein: For the purposes of this rule only, the following terms are defined:

Formatted: Indent: Left: 0.5", First line: 0"

(1) “Class A Facility” – ~~is a~~Any Organic Liquid Loading Facility having a valid permit to operate and loading 5,000,000 gallons (18,925,000 liters (5,000,000 gallons) or more per year and/or 20,000 gallons (73,700 liters (20,000 gallons) or more on any day of Organic Liquids, with a True Vapor Pressure, determined at actual storage conditions, of 77.5 mm (1.5 psia) or greater into any tank truck, trailer, or railroad tank car.

Formatted: Underline

(2) “Class B Facility” – ~~is a~~Any Organic Liquid Loading Facility having a valid permit to operate and loading less than 5,000,000 gallons (18,925,000 liters (5,000,000 gallons) per year, with a True Vapor Pressure, determined at actual storage conditions, of 77.5 mm (1.5 psia) or greater into any tank truck, trailer, or railroad tank car.

Formatted: Underline

(3) “Fugitive Liquid Leak” means ~~The dripping of a liquid at a rate exceeding three (3) drops per minute. [in 102]~~

Formatted: Underline

Formatted: Font: Italic

(4) “Gasoline” means ~~a~~Any organic liquid, including petroleum distillate and methanol, having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline. [in 102]

Formatted: Underline

Formatted: Font: Italic

(5) “Organic Liquid” means ~~a~~Any chemical compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions. [Move to 102]

Formatted: Underline

Formatted: Font: Italic

(6) “Organic Materials” means ~~c~~Chemical compounds of carbon excluding: carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate. [in 102]

Formatted: Underline

Formatted: Font: Italic

(7) “Organic Solvents” includes ~~Includes~~ diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolves, viscosity reducers or cleaning agents, except that such material exhibiting a boiling point higher than 104 oC (219oF) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 104oC (219oF). [in 102]

Formatted: Underline

Formatted: Font: Italic

(3) Submerged Fill Loading ~~A type of Organic Liquid loading operation where the discharge opening is completely submerged when the liquid level above the bottom of the vessel is eight centimeters (3.2 inches) or higher. [definition obtained from AOAOMD Rule 462 – Organic Liquid Loading, 6/9/1995]. [moving draft definition to 102]~~

Formatted: Space After: 12 pt

Formatted: Strikethrough

Formatted: Font: Italic, Strikethrough

Formatted: Strikethrough

Formatted: Not Strikethrough

(8) “Switch Loading” means ~~a~~A transfer of organic liquids with a vapor pressure of less than 77.5 mm Hg (1.5 psia) under actual loading conditions into any tank

Formatted: Underline

truck, trailer or railroad tank car that was previously loaded with an organic liquid with a vapor pressure of 77.5 mm Hg (1.5 psia) or greater. [in 102]

- (9) “Throughput” means tThe mass or volume of material or substance that is handled, or processed by a system in a given time period, such as gallons per year, tons per hour, etc. [in 102]

- (10) “Vapor Reduction Device” Methods of reduction include, but are not limited to thermal destruction (incineration), and absorption, adsorption and condensation. [moving to 102]

- (11) “Vapor Recovery System” means aA system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of returning the displaced vapors and air from the vessel being filled back to the stationary storage container (a balance system) and/or a vapor reduction device. The Vvapor Rrecovery Ssystem shall have a vapor control efficiency of 95 percent, by weight, or better.[in 102]

- (12) “Vapor Recovery System Efficiency” means the estimated efficiency of the air pollution control technology which is incorporated, by means of an enforceable permit condition(s), in the Authority To Construct (ATC) and/or the Permit To Operate (PTO) of an emissions unit or process. Emission reductions attributed to lowering throughput rates or curtailing operating hours shall not be considered in determining abatement efficiency.[moving to 102]

- (13) “Vapor Tight (Fugitive Vapor Leak)” – means the detection of less than 10,0003,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21.

[New to D11 – using only Vapor Tight in this definition at the suggestion of EPA, based on Fugitive Vapor Leak already being defined in Rule 102.]

[New to D10 – per suggestion from EPA, removed Vapor Tight from the definition list. Fugitive Vapor Leak is used throughout this rule and defined in rule 102 with a 3,000 ppm limit.]

[New to D9 – Stricken from previou drafts in favor of maintaining in definition rule 102, however due to detection rates that can vary based on the rule/equipment in question, returning to the individual rule. Based on Yolo-Solano rule deemed as RACT, detectable limit reduced from 10,000 to 1,000. Based on discussions with EPA]

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Indent: First line: 0"

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(C) Requirements

- (1) Loading Requirements at Class “A” FacilityFacilities

- (a) A person shall not load organic liquids having a true vapor pressure of 77.5 millimeters of mercury (1.5 psia) or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any Class

~~A facility unless the loading facility is equipped with a vapor recovery system. The vapor recovery system efficiency shall be verified pursuant to methods listed in Section (F) of this rule. Each Class A Facility loading Organic Liquids shall be equipped with: [Loading vessels and pressure requirement outlined in Class A Facility definition (B)(1)]~~

~~(i) A CARB Certified Vapor Recovery and/or disposal system. [SCAQMD Rule 462 – Organic Liquid Loading, 5/14/1999]~~

~~[New to D8 – Removed section (ii) - A District-approved Vapor Recovery and/or disposal system only when such system does not require CARB Certification pursuant to Health and Safety Code 41954 per suggestion from the EPA]~~

~~(b) Loading shall be accomplished in such a manner that the displaced vapor and air will be vented to a vapor recovery system. All connections and vapor lines are to be maintained in a Vapor Tight condition to prevent fugitive vapor leaks. Measures shall be taken to prevent fugitive liquid leaks from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected, to prevent excess organic liquid drainage. The loading of Organic Liquids shall be accomplished in such a manner that the displaced organic vapors and air are vented under design conditions to the Vapor Recovery and/or disposal system. [vapor/liquid tight requirement outlined in (C)(1)(e)]~~

~~(c) Each Vapor Recovery and/or disposal system shall reduce the emissions of VOCs to 0.08 pound or less per thousand gallons (10 grams per 1,000 liters) of Organic Liquid transferred.~~

~~(d) The backpressure in the Vapor Recovery and/or disposal system shall not exceed 18 inches of water column pressure. [Class A updates obtained from SCAQMD –Rule 462- Organic Liquid Loading, 5-14-1999]~~

~~(e) Any Class “A” facility transferring Gasoline into any truck, trailer, or railroad tank car shall be designed and operated for bottom loading only.~~

~~(f) The transfer equipment shall be maintained Vapor Tight and Liquid Tight, and operated so that there are no overfills. [New to D11, – updated language to refer to vapor and liquid tight, instead of fugitive vapor leak at the suggestion of the EPA to better reflect defined terms.]~~

~~(g) Tanker truck liquid loading hoses and vapor return hoses shall be capped, plugged, or have a secondary valve closed whenever the hoses are not in active use to maintain equipment in a Vapor Tight and Liquid Tight condition.. [New to D11, – updated language to refer to vapor tight and liquid tight at the suggestion of EPA to better reflect defined terms.] [New to D8 – at the suggestion of Engineering to help clarify/support vapor/liquid tight]~~

Formatted: Indent: Left: 1.5", Space After: 6 pt

Formatted: Indent: First line: 0", Space After: 6 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(2) Loading Requirements at Class "B" Facilities

A person shall not load organic liquids having a true vapor pressure of 77.5 millimeters of mercury (1.5 psia) or greater under actual loading conditions into any tank truck, trailer, or railroad car from a Class B loading facility, unless: [In order to reduce repetition, Organic Liquid and it's pressure is further defined in definition located in 102]

(a) Each Class B Facility loading Organic Liquids, shall be equipped with:~~The facility is equipped with a vapor recovery system to prevent the release of fugitive vapor emissions during the filling of organic liquid delivery vehicles.~~[Further broken out below]

(i) A CARB Certified Vapor Recovery and/or disposal system with a Vapor Recovery Efficiency of 95 percent (95%).
[New to D10 – removed reference to test method. New to D8 – per EPA suggestion, efficiency or emission limit added. Limits from Sac Metro, Yolo-Solano and Placer]

a. The backpressure in the Vapor Recovery and/or disposal system shall not exceed 18 inches of water column pressure. [New to D8 – per EPA recommendation Class B updates obtained from AVAQMD –Rule 462- Organic Liquid Loading, 9/19/2017)]

(iv) A Submerged Fill Loading or bottom fill loading system. All Gasoline or equivalent vapor pressure Organic Liquids shall be transferred in this manner.

(v) A pressure vacuum valve on the aboveground stationary storage tank with a minimum pressure valve setting of eight (8) ounces per square inch, provided that such setting will not exceed the tank's maximum pressure rating. This requirement does not pertain to Floating Roof Tanks [moved from (C)(2)(c)]

(b) The facility is equipped with a vapor recovery system to prevent the release of fugitive vapor emissions displaced during the filling of the facility's stationary storage containers with all connections and vapor lines to be maintained vapor tight; and The transfer equipment shall be operated and maintained so that there are no overfills, facility vapor leaks, liquid leaks, or liquid leaks from disconnect operations. [Language from SCAQMD Rule 462 – Organic Liquid Loading, 5/14/1999]

(c) The facility is equipped with a pressure vacuum valve on the above ground stationary storage containers with a minimum pressure valve setting of eight (8) ounces per square inch, provided that such setting will

Formatted: Font: Italic

Formatted: Indent: Left: 1.5", Space After: 6 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Indent: Left: 2"

Formatted: Font: Italic

Formatted: Indent: Left: 0", Hanging: 2", Space Before: 0 pt, After: 6 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

~~not exceed the container's maximum pressure rating. [moved to (C)(2)(a)(iv)]~~

Formatted: Font: Italic

(D) Additional Requirements

- (1) Other ~~agency~~ requirements - The ~~V~~apor ~~R~~ecovery ~~S~~ystems used to comply with the provision of this Rule shall comply with all safety, fire, weights and measures, and other applicable codes and/or regulations, including those listed in the California Health and Safety Code Sections 41950 - 41974.
- (2) ~~Fugitive Vapor and Liquid Leaks~~ Vapor Tight and Liquid Tight - All of the components of the facility including but not limited to tanks, flanges, seals, pipes, pumps, valves, meters, connectors, shall be maintained Vapor Tight and Liquid Tight and operated so as to prevent ~~fugitive vapor leaks, fugitive liquid leaks and excess O~~rganic ~~L~~iquid drainage during transfer, storage and handling operations. [New to D11 – updated language to refer to vapor and liquid tight, instead of fugitive vapor and liquid leak at the suggestion of the EPA to better reflect defined terms.]
- (3) Organic Liquid Transport ~~(Tank Truck, Trailer, etc.)~~
 - (a) A person shall not allow loading or unloading of ~~O~~rganic ~~L~~iquid, or other use or operation of any designated transporting vessel unless the vessel has a valid certification of vapor integrity as defined by the applicable Air Resources Board Certification and Test Procedures, pursuant to Health and Safety Code Section 41962(9) and the California Administrative Code Title 17, Section 94004.
 - (b) Vapor leaks from dome covers, pressure vacuum vents or other sources shall be determined in accordance with EPA Method 21~~4~~. [New to D10 – reverted back to original text instead of referencing test method to be consistent with the rest of the rule language.]
 - (c) The transport equipment shall be operated ~~such that there are no fugitive liquid leaks, both~~ Vapor Tight and Liquid Tight. [New to D11 – updated language to refer to vapor and liquid tight, instead of fugitive vapor and liquid leak at the suggestion of the EPA to better reflect defined terms.]
- (4) Switch Loading

Uncontrolled ~~S~~witch ~~L~~oading is prohibited except at Class B Facilities where~~unless~~:

 - (a) any vapors vented to the atmosphere do not at any point during the transfer exceed 10,000 ppmv, measured as equivalent methane, with a portable hydrocarbon analyzer in accordance with EPA Method 21, or
 - (b) emissions are controlled by a ~~V~~apor ~~R~~ecovery ~~S~~ystem.

Formatted: Font: Italic

(5) Leak Inspection Requirements

- (a) The Owner/Operator of any Class A or B. facility shall be required to perform an inspection of the vapor collection system, the vapor disposal system, and each loading rack handling Organic Liquids, for facility vapor leaks or liquid leaks of volatile organic compounds on one of the following schedule:
- (i) Monthly if sight, sound, and smell are used as detection methods.
- a. If leak inspections are conducted monthly by sight, sound and smell, an organic vapor analyzer (OVA) must be used to conduct checks every six months. [New to D8 per EPA suggestion]
- (ii) Quarterly if an OVA is used to monitor for facility vapor leaks.
- (b) Each detection of a leak shall be repaired or replaced within 72 hours. The repaired or replacement component shall be reinspected the first time the component is in operation after the repair or replacement. [Section 5 Language from SCAQMD Rule 462-Organic Liquid Loading, 5/14/1999]

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 1.5", First line: 0"

Formatted: Indent: Left: 2"

Formatted: Font: Italic

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 1"

Formatted: Font: Italic

(6) Distribution of Responsibilities

- (a) The ~~owner or operator~~ Owner/Operator of an ~~Organic Liquid Loading Facility~~ is responsible and liable for complying with the provisions of this rule, and for maintaining the equipment at the facility in such condition that it can comply with the requirements of this rule if properly operated. If employees of the ~~owner or operator~~ Owner/Operator of the facility supervise or ~~otherwise facilitate effect~~ the transfer operation, the ~~owner or operator~~ Owner/Operator of the facility shall be responsible for ensuring that the transfer operation complies with all requirements of this rule and that the transfer equipment is properly operated.
- (b) The ~~owner, operator~~ Owner/Operator, or driver of a tank truck, trailer, or railroad tank car is responsible for complying with Subsections (D)(2) and (D)(3) of this rule.
- (c) Where appropriate, the owner or operator of an organic liquid loading facility and the owner operator, or driver of a tank truck, trailer, or railroad tank car may be separately or jointly found in violation of this rule.

(E) Exemptions

- (1) The provisions of subparagraphs (C)(1)(e) and (C)(2)(b) shall not apply to components found in violation of facility vapor leaks or liquid leaks either of which is detected and recorded originally by the Owner/Operator, provided the repair or replacement of applicable equipment is completed within the specified

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

period as given in subparagraph (D)(5)(b).
[SCAQMD Rule 462-Organic Liquid Loading, 5/14/1999]

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Italic

(F) Record Keeping and Reporting

- (1) Any facility subject to this rule shall, as a minimum, maintain the following records:

- (a) The ~~owner or operator~~ Owner/Operator shall maintain a log of all inspections, repairs, description of leaks, and maintenance on equipment subject to this rule. Such logs or records shall be maintained at the facility for at least 2 years (5 years for Title V facilities and sources subject to MACT standards) and shall be made available to the APCO upon request. [5 year requirement new to D7, clarification suggested by EPA - all Title V Permits requires records to be retained onsite for at least 5 years. Per MDAQMD Rule 1203 – Federal Operating Permits (D)(d)(ii)]

Formatted: Font: Italic

Formatted: Font: Bold

Formatted: Font: Bold, Italic

Formatted: Font: Italic

- (b) The ~~owner or operator~~ Owner/Operator of a Class A or Class B Facility shall prepare a log ~~showing the daily~~ demonstrating:

- (i) ~~input~~ Daily Throughput.
(ii) ~~output~~ Monthly Throughput Summary - for a rolling twelve month period.
(iii) ~~A~~ average stored volume over the 24 hour period (midnight to midnight).
(iv) Daily storage and transfer temperatures of the organic liquid. [new to D6 - to maintain daily requirement of this record keeping]
(v) Results of leak inspection checks. [New to D8, making sure the leak inspection requirement is documented]
(vi) S ~~stored~~ product's name and Chemical Abstracts Service (CAS) number.
~~(vi) — a monthly summary of the throughput for the calendar year to date.~~

Formatted: Font: Italic

Formatted: Font: Italic

- (2) Any facility classified as exempt or claiming to be exempt shall meet the same record keeping requirements of this rule so as to be able to prove the exemption status.

(FG) Test Methods ~~For~~for Compliance Verification

- (1) When more than one test method is specified for testing, A ~~a~~ violation determined by any one of these test methods shall constitute a violation of the rule.

- (a) ASTM METHOD D-323-06: Reid vapor pressure shall be determined in accordance with American Society of Testing and Materials D323-06, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).

(b) ASTM METHOD D-2879-97 (2002(e1): True vapor pressure shall be determined in accordance with American Society of Testing and Materials D2879-97(2002)(e1), Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope.

(c) EPA METHODS 2A OR 2B: The gas flow rate shall be determined in accordance with EPA Method 2A, Direct Measurement of Gas Volume Through Pipes and Small Ducts; or EPA Method 2B, Determination of Exhaust Gas volume flow rate From Gasoline Vapor Incinerators, as applicable.

(d) EPA METHOD 21: The gas tight condition shall be determined in accordance with EPA Method 21, Determination of Volatile Organic Compound Leaks, using a portable analyzer calibrated with methane gas.

(e) EPA METHODS 25, 25A OR 25B: VOC emissions shall be determined in accordance with EPA Method 25 – Gaseous Nonmethane Organic Emission, or 25A - Gaseous Organic Concentration, Flame Ionization; or EPA Method 25B - Gaseous Organic Concentration, Infrared Analyzer, as applicable. *[New to D10 – updated to add 25 as a test method and correct the double description of 25A]*

Formatted: Font: Italic

(f) CARB TEST PROCEDURE TP-203.1: The terminal vapor recovery system efficiency shall be determined in accordance with CARB Vapor Recovery Test Procedure TP-203.1, Determination of Emission Factor of Vapor Recovery Systems of Terminals.

(g) CARB CERTIFICATION PROCEDURE CP-202 – CERTIFICATION PROCEDURE FOR VAPOR RECOVERY SYSTEMS OF BULK PLANTS: Vapor Recovery efficiency for shall be determined in accordance with CARB Certification Procedure CP-202. *[Language from SCAQMD Rule 462 – Organic Liquid Loading, 5/14/1999]*

(2) Other test methods demonstrated to provide results that are acceptable for determining Reid or true vapor pressure for purposes of demonstrating compliance with this rule, after review and approval in writing by the District, the ARB, and the U.S. EPA, may also be used. *[New to D9 – Except where otherwise noted, section (G) language adapted from Yolo-Solano AQMD Rule 2.21 Organic Liquid Storage and Transfer (09/14/16) based on discussions with EPA]*

Formatted: Indent: Left: 0.5"

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Vapor Tightness (Fugitive Vapor Leaks) for all equipment described in this rule, unless otherwise specified, shall be determined by EPA Method 21 – Determination of Volatile Organic Compounds Leaks.

(b) Vapor Recovery System Efficiency for Delivery Vessels shall be determined by the EPA Method entitled Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (method specified in the CTG EPA 450/2-78-051), or the CARB Method entitled,

~~"Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks".~~

- ~~(e) Reid Vapor Pressure shall be determined in accordance with ASTM Method D 323-82, and the true vapor pressure in psi absolute of stored liquid shall be determined by using the nomograph contained in American Petroleum Institute Bulletin 2517 for conversion of Reid vapor pressure to true vapor pressure.~~
- ~~(d) Vapor Recovery System Efficiency for Bulk Plants shall be determined by CARB Method 202, "Certification of Vapor Recovery Systems—Bulk Plants".~~
- ~~(e) Vapor Recovery System Efficiency for Terminals shall be determined by CARB Method 203, "Certification of Vapor Recovery Systems—Gasoline Terminals".~~
- ~~(f) Vapor Recovery System Efficiency for Service Stations shall be determined by the CARB Methods in "Test Procedures for Determining the Efficiency of Gasoline Vapor Recovery Systems at Service Stations".~~
~~*[Updated Certification Procedure Titles for CP-201-203 to reflect what is currently listed on the CARB website]*~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

See SIP Table at <http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=45>

Formatted: Rule Text

Field Code Changed

~~[SIP: Approved 5/3/95, 60 FR 21702, 40 CFR 52.220(c)(198)(i)(E)(1); Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(c)(85)(v)(A); Approved 12/21/78, 43 FR 59489, 40 CFR 52.220(c)(42)(xiii)(A); Approved 7/26/77, 42 FR 37976, 40 CFR 52.220(c)(31)(vi)(A)]~~

(Adopted: 01/09/76; Amended: 05/07/76; Amended: 07/09/76;
CARB Ex. Ord. G-73: 02/01/77; Readopted: 07/25/77;
Amended: 02/20/79; Amended: 12/19/88; Amended: 11/02/92;
Amended: mm/dd/yy)

Formatted: Section start: Continuous

RULE 463

Storage of Organic Liquids

(A) General Description

(1) Purpose:

~~The purpose of this rule is to~~To limit control the emissions of ~~V~~olatile ~~O~~rganic ~~C~~ompounds (VOC) and toxic compounds ~~(such as benzene)~~ during the ~~s~~Storage of ~~o~~Organic ~~L~~iquids, and in conjunction with Rules 461 and 462, limit the emissions from the storage, transfer, and dispensing of organic liquids, including bulk facilities, retail service stations, and others, the transport of fuels between these facilities and the transfer of fuel into motor vehicle tanks.

Formatted: Indent: Left: 1"

(2) Applicability:

- (a) All aboveground Gasoline storage tanks of capacity of at least 250 gallons (950 liters);
- (b) All aboveground Organic Liquid storage tanks of capacity of at least 19,815 gallons (75,000 liters); and
- (c) All Organic Liquid storage tanks of capacity of at least 39,630 gallons (150,000 liters).

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt

Formatted: Indent: Hanging: 0.5"

(3) Severability:

- (a) If any portion of this rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect. *[New to D6 – moved to General Description from Section (g) at the suggestion of District Counsel.]*

Formatted: Indent: Left: 0", First line: 0.5"

(B) Definitions

~~The definitions contained in District Rule 102 – Definition of Terms, shall apply unless a term is otherwise defined herein.~~For the purposes of this rule, the following terms are defined:

Formatted: Indent: Left: 0.5", First line: 0"

(1) ~~Gasoline: means any organic liquid, including petroleum distillate and methanol, having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline. [in 102]~~

Formatted: Font: Italic

(2) ~~Organic Liquid: means any compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions [move to 102].~~

Formatted: Font: Italic

(3) ~~Organic Materials: means chemical compounds of carbon excluding: carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.[in 102]~~

Formatted: Font: Italic

(4) ~~Organic Solvents: includes diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such material exhibiting a boiling point higher than 104 oC (219oF) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvent unless exposed to temperatures exceeding 104oC (219oF). [in 102]~~

Formatted: Font: Italic

~~(1) "External Floating Roof." A vapor loss control device, consisting of a pontoon-type or double deck type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge. [Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97]. [Moved from the draft to 102].~~

Formatted: Strikethrough

Formatted: Underline, Strikethrough

Formatted: Strikethrough

Formatted: Font: Italic, Strikethrough

Formatted: Strikethrough

Formatted: Font: Italic, Not Strikethrough

Formatted: Strikethrough

~~(2) "Internal Floating Roof" A vapor loss control device consisting of a fixed roof with an internal floating type cover which prevents the release or emission to the atmosphere of organic vapors or gases at an efficiency equivalent to an approved External Floating Roof closure device. [Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97]. [Moved from the draft to 102].~~

Formatted: Font: Italic, Strikethrough

Formatted: Strikethrough

Formatted: Font: Italic, Not Strikethrough

(1) "Metallic-Shoe Seal" - A type of seal used to minimize evaporative losses of Organic Liquids from a storage tank equipped with an External Floating Roof. It serves as a primary seal, and is constructed with vertical metal plates or "shoes", connected by braces or other devices to the circumference of the floating roof. They are partially immersed in the liquid being stored, and are suspended in such a way that they are forced outward against the inner tank wall. [Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97]

Formatted: Strikethrough

Formatted: Underline

Formatted: Font: Italic

(2) "Resilient-Toroid Seal" - A type of seal used to minimize evaporative losses of Organic Liquids from a storage tank equipped with an External Floating Roof. It is a toroidal tube, or "donut", made of fabric or other resilient material, that rests on the surface of the stored liquid. It serves as a primary seal that minimizes evaporative losses from the tank. The toroid seal may be filled with air, foam, or other resilient material. [Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97]

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

~~⊕~~ ~~“True Vapor Pressure” – The true vapor pressure under actual storage conditions as determined by the test method ASTM D 323-82. [Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97] [move from draft to 102] [definitions added to provide clarity and reduce repetition in the rule]~~

(3) ~~“Vapor Tight” – is the detection of less than 1,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21. [New to D10 – at the suggestion of the EPA to better reflect defined terms, updated language to remove reference to Fugitive Vapor Leak which is alternately defined in 102.]~~

~~[New to D7 – Removing from 102 definition rule due to detection rates that can vary based on the rule/equipment in question. Detection limit based on Yolo-Solano rule deemed as RACT, detectable limit reduced from 10,000 to 1,000. Based on discussions with EPA]~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Underline, Strikethrough

Formatted: Strikethrough

Formatted: Font: Italic, Strikethrough

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Indent: First line: 0"

(C) Requirements

(1) Tanks Over ~~150,000 Liters~~ In 39,630 gallons of Capacity

No person shall place, store or hold in any ~~stationary tank, reservoir or other container of more than~~ storage tank, with a capacity of ~~39,630 gallons~~ 150,000 liters (39,630 gallons (150,000 liters) or greater, capacity, any organic liquid having a ~~True Vapor Pressure~~ of 25.8 mm Hg (0.5 psi) ~~77.5 mm Hg (1.5 psia)~~ or greater ~~under actual storage conditions~~, unless such tank, ~~reservoir or other container~~ is a pressure tank maintaining working pressures sufficient at all times to prevent organic vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, ~~which is~~ properly installed, properly maintained, and in good operating order: ~~[Reduced vapor pressure found in other District rules; Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97; South Coast AQMD, Rule 463 – Organic Liquid Storage, 11/4/11; Yolo-Solano, Rule 2.21, 8/21/16; Antelope Valley AQMD, Rule 463 – Organic Liquid Storage, 3/11/94.]~~

Formatted: Font: Italic

(a) An ~~External Floating~~ Rroof, ~~consisting of a pontoon type or double-deck type cover~~ that rests on the surface of the liquid contents at all times, except as provided in Subsection (C)(3)(c) and is equipped with a closure device between the tank shell and roof edge. Except as provided in Subsections (C)(1)(a)(~~3iii~~) and (C)(1)(a)(~~4iv~~), the closure device shall consist of two seals, one above the other; the one below shall be referred to as the primary seal, and the one above shall be referred to as the secondary seal. Seal designs shall be submitted to the ~~Air Pollution Control Officer (APCO)~~ and shall not be installed or used unless they are approved by the APCO as meeting the criteria set forth in Section (F) - Specifications ~~For~~ Closure Devices, as applicable. ~~[External floating roof defined in definitions]~~

Formatted: Font: Italic

- (i) For a closure device on a welded tank shell which uses a ~~M~~metallic-~~S~~hoe-type ~~S~~seal as its primary seal: refer to Section (F)(1) for specifications.
- (ii) For a closure device which uses ~~a~~ a ~~R~~esilient-~~T~~oroid-type ~~S~~seal as its primary seal: refer to Section (F)(2) for specifications.
- (iii) For a closure device on a ~~reited~~-riveted tank shell which uses a ~~M~~metallic-~~S~~hoe-type ~~S~~seal as its primary seal: refer to Section (F)(3) for specifications.
- (iv) EXEMPTION: The requirements of Subsections (F)(1) through (F)(3) shall not apply to any person who demonstrates to the APCO that a closure device has been installed, ~~or is available for installation~~, which by itself or in conjunction with other vapor loss control devices, controls vapor loss at all tank levels with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Subsection (F)(1). This exemption is subject to the specifications of Section (F)(4) of this rule.
- (v) ANNUAL ~~DISTRICT~~ INSPECTIONS: The primary seal envelope shall be made available for unobstructed inspection by the ~~APCO on~~ APCO on an annual basis at the location selected along its circumference at random by the APCO. In the case of riveted tanks with toroid-type seals, eight such locations shall be made available; in all other cases, four such locations shall be made available. ~~If the APCO detects one or more violations as a result of any such inspection, the APCO~~ If a violation is discovered during an annual inspection, the APCO may require ~~such~~ further unobstructed inspection of the primary seal ~~as may be necessary to~~ determine the seal condition for its entire circumference. In addition, for tanks ~~with installing a~~ secondary seal ~~s installed after February 20, 1979~~, the primary seal envelope shall be made available for inspection by the APCO prior to installation of the secondary seal. ~~Thereafter, and for tanks with secondary seals installed before February 20, 1979, the primary seal envelope~~ Secondary seals that are already in place shall be made available for unobstructed inspection by the APCO for its full length every 5 years ~~after February 20, 1979. In the event that a~~ except that if the secondary seal is voluntarily removed by the ~~O~~owner ~~or~~ ~~O~~operator ~~prior thereto~~, it shall be made available for such inspection at that time. The ~~O~~owner ~~or~~ ~~O~~operator shall provide notification to the APCO no less than 7 working days prior to voluntary removal of the secondary seal. ~~Idate no longer applicable, all secondary seals are now subject to 5 year unobstructed inspections]~~
- (vi) All openings in the roof except ~~pressure~~ Pressure-~~vacuum~~-Vacuum ~~valves~~ Valves, which shall be set to within ten percent (10%) of the maximum allowable working pressure of the roof, shall provide a projection below the liquid surface to prevent belching of liquid and to prevent entrained or formed organic vapor from escaping

Formatted: Not Highlight

Formatted: Font: Italic

Formatted: Font: Italic

- from the liquid contents of the tank and shall be equipped with a cover, seal, or lid. The cover, seal, or lid shall at all times be in closed position, with no visible gaps, except when the device or appurtenance is in use.
- (vii) Any emergency roof drain shall be provided with a slotted membrane fabric cover, or equivalent, that covers at least nine-tenths of the area of the opening.
 - (viii) A floating roof shall not be used if the organic liquid stored has a Ttrue Vvapor Ppressure of 569 mm Hg (11 psi) absolute or greater under storage conditions.
- (b) A fixed roof with an internal-floating-type cover that rests on the surface of the liquid contents at all times except as provided in Subsection (C)(3)(c) and is equipped with a closure device.
- (i) For a fixed roof tank the closure device shall consist of either a liquid mounted primary seal only, or two seals: a primary and a secondary seal. All openings and fittings shall be fully gasketed and/or controlled in a manner specified by the APCO. The closure device shall control vapor loss with an effectiveness equivalent to the outlined criteria in a closure device which meets the requirements of paragraph Subsection (F)(1). Internal Ffloating Rroof and seal designs shall be submitted to the APCO and shall not be installed or used unless they are approved by the APCO.
 - (ii) A fixed roof tank container with an internal-floating-type cover shall not be used if the organic liquid stored has a Ttrue Vvapor Ppressure of 569 mm Hg (11 psi) absolute or greater under actual storage conditions.
 - (iii) Compliance shall be verified by measuring with an explosimeter the concentration of organic compound in the vapor space above the internal floating roof, in terms of the lower explosive limit (LEL). Such reading for an internal floating roof shall not exceed 50 percent of the LEL for those installed prior to December 19, 1988 and 30 percent of the LEL for those installed after December 19, 1988. Compliance shall be verified by measuring the vapor space above the floating roof with an explosimeter, which will determine the lower explosive limit (LEL). LEL readings for the Internal Floating Roof shall not exceed 50 percent (50%) for those installed prior to December 19, 1988 and 30 percent (30%) of the LEL for those installed after December 19, 1988. [Content not changed, rewrote for clarification]
 - (iv) Visual inspection of the secondary seal shall be performed by the tank operators semi-annually. A record of such inspections shall be maintained and such records shall be made available for review by the APCO upon request.
 - (v) The primary and secondary seals shall be inspected and repaired, if necessary, each time the tank is emptied and gas-freed. The APCO

Formatted: Font: Italic

shall be notified at least 48 hours in advance of each such gas-freeing.

- (c) A fixed roof tank with a vapor recovery system consisting of a system capable of collecting all organic vapors and gases, and a vapor return or disposal system ~~capable of processing such vapors and gases, so as to prevent their emission to the atmosphere at an efficiency of at least 95 percent (95%) by weight.~~
 - (i) Any tank gauging or sampling device on a tank vented to the vapor recovery system shall be equipped with a ~~gas-tight~~Vapor Tight cover which shall be closed at all times except during gauging or sampling.
 - (ii) All piping, valves and fittings shall be constructed and maintained ~~in a gas-tight condition~~both Liquid Tight and Vapor Tight, such that no organic vapor or gas leaks are detectable. *[new to D4. Liquid Tight and Vapor Tight are defined in our rule 102, and provides additional clarity].*
- (d) Other equipment ~~having a vapor loss control efficiency of at least 95 percent (95%) by weight, shall provide~~ an application for installation of such equipment is submitted to and obtain written approval from the APCO prior to the commencement of construction and/or operation.

Formatted: Font: Italic

(2) Tanks ~~w~~With 450,000 Liters 39,630 Gallons Or Less Capacity

A person shall not place, store or hold in any above-ground ~~stationary storage tank, or other container of~~ with a capacity of 39,630 gallons (150,000 liters) (39,630) or less, capacity any organic liquid having a ~~T~~True Vapor ~~P~~ressure of 77.5 mm Hg (1.5 psia) or greater under actual storage conditions, unless such tank is equipped with a pressure-vacuum valve which is set to within ten percent (10%) of the maximum allowable working pressure of the ~~container tank~~, or is equipped with a vapor loss control device which complies with the requirements set forth in Section (C)(1). ~~The provisions of this section shall not apply to any container of 950 liters (251 gallons) or less capacity.~~ *[covered in applicability statement]*

Formatted: Font: Italic

(3) Additional Requirements

- (a) All of the components of a facility including but not limited to tanks, flanges, seals, pipes, pumps, valves, meters, connectors, shall be maintained and operated so as to prevent ~~F~~Fugitive ~~V~~Vapor ~~L~~Leaks, ~~F~~Fugitive ~~L~~Liquid ~~H~~Heaks, and excess organic liquid drainage during transfer, storage and handling operations. *[New to D11 – based on EPA suggestions, changed back to previously approved SIP language because requiring tanks and all components to be vapor tight (1000 ppm) seemed like it might be too stringent. Fugitive Vapor Leak is currently defined in Rule 102 at 3000 ppm].*

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

[New to D10 – updated language to refer to vapor and liquid tight, instead of fugitive vapor and liquid leak at the suggestion of the EPA to better reflect defined terms.]

Formatted: Indent: First line: 0"

(b) Efficiency, as ~~used~~outlined in Subsections (C)(1)(c) and (~~e~~C)(1)(d) means a comparison of controlled emissions to those emissions which would occur from a fixed or cone roof tank in the same product service without a vapor control system. Base line emissions shall be calculated by using the criteria outlined in American Petroleum Institute Bulletin 2518.

(c) The roof of any ~~I~~internal or ~~E~~external ~~F~~floating ~~R~~roof tank is to be floating on the liquid at all times (i.e. free of the roof leg supports) except when the tank is being completely emptied for cleaning, or repair. The process of emptying, and/or refilling, when the roof is resting on the leg supports, shall be continuous and shall be accomplished as rapidly as possible, and~~;~~

(i) If the tank has been gas-freed and is to be refilled with ~~G~~gasoline, the roof shall be refloated with water, or equivalent procedure approved by the APCO.

Formatted: Indent: Hanging: 0.5"

(d) Floating Roof Tank Inspection Requirements:
[New to D6 – Changed from Owner/Operator to Floating Roof Tank]

Formatted: Indent: First line: 0", Space Before: 12 pt

Formatted: Font: Italic

(i) All floating roof tanks subject to this rule shall be inspected twice per year at 4 to 8 months intervals.

Formatted: Indent: Left: 1.5"

(ii) Additionally, the primary and secondary seals shall be inspected each time a floating roof tank is emptied and degassed. Gap measurements shall be performed on an External Floating Roof tanks when the liquid surface is still but not more than 24 hours after the tank roof is refloated.

(e) Floating Roof Tank Maintenance Requirements:
[New to D6 – Added Floating Roof Tank to Maintenance Requirements]

Formatted: Indent: Left: 1"

Formatted: Font: Italic

Any floating roof tank which does not comply with any provision of this rule shall be brought into compliance within 72 hours of the determination of non-compliance. The repaired or replacement component shall be reinspected the first time the component is in operation after the repair or replacement. [Sections (C)(3)(d) & (C)(3)(e) obtained from South Coast AQMD, Rule 463 – Organic Liquid Storage, 11/4/11]

(f) Non-Floating Roof Tank Inspection Requirements:

Formatted: Rule Text 1

Any tank in retail service shall be inspected for compliance with this rule not less frequently than once per month. All other tanks shall be inspected not less than once a year. [New to D6 - Added section (f) to include inspection frequency for non-floating roof tanks.]

Formatted: Rule Text 1, Indent: Left: 1.5"

Formatted: Font: Italic

Formatted: Font: Italic

(D) Record Keeping and Recording

- (1) A person whose tanks are subject to this rule shall keep an accurate record of liquids stored in such ~~containers-tanks~~ and the ~~True V~~vapor ~~P~~pressure ranges of such liquids, ~~or other criteria approved by the APCO.~~
[New to D6 – per EPA suggestion, removed reference to APCO]
- (2) Organic liquids listed on the addendum to this rule shall be deemed to be in compliance with the appropriate vapor pressure limits for the tank in which it is stored, provided the actual storage temperature does not exceed the corresponding maximum temperature listed ~~as recorded on a daily basis.~~
- (3) The ~~O~~owner ~~or~~ ~~O~~operator shall maintain a log of all inspections, repairs and maintenance on equipment subject to this rule. Such a log or records shall be maintained at the facility for at least ~~2-5~~ years and shall be made available to the APCO upon request.

Formatted: Font: Italic

(E) Exemptions

- (1) The provisions of Subsection (C)(3)(c) shall not apply to ~~gasoline-Gasoline~~ storage tanks at bulk ~~gasoline-Gasoline~~ distribution terminals which do not have:
 - (a) ~~E~~existing facilities for treatment of waste-water used to refloat the tank roof; or
 - (b) ~~F~~facilities for equivalent emission control when refloating the roof with product.
- (2) Notwithstanding the secondary and primary seal requirements of subparagraphs (F)(1), a secondary or primary seal may be loosened or removed for preventive maintenance, inspection and/or repair upon prior notification and subject to the prior written approval of the APCO and for a period not exceeding 72 hours.

(F) Specifications ~~f~~For Closure Devices

- (1) For a closure device on a welded tank shell which uses a ~~M~~metallic ~~S~~shoe-type ~~S~~seal as its primary seal:
 - (a) ~~Gaps between the tank shell and the primary seal shall not exceed 1 1/2 inches (3.8 centimeters) (1 1/2 inches) for an accumulative length of 10 percent (10%), 1/2 inch (1.3 centimeters) (1/2 inch) for another 30 percent (30%), and 1/8 of an inch (0.32 centimeters) (1/8 inch) for the remaining 60 percent (60%) of the circumference of the tank. No gap between the tank shell and the primary seal shall exceed 1 1/2 inches (3.8 centimeters) (1 1/2 inches). No continuous gap greater than a 1/8 of an inch (0.32 centimeters) (1/8 inch) shall exceed 10% percent (10%) of the circumference of the tank.~~

Commented [MLZ1]: Equivalent to Placer, less stringent than South Coast,

- (b) Gaps between the tank shell and the secondary seal shall not exceed a 1/8 of an inch (0.32 centimeters) ~~(1/8 inch)~~ for an accumulative length of 95 percent ~~(95%)~~ of the circumference of the tank, and shall not exceed a 1/2 an inch (1.3 centimeters) ~~(1/2 inch)~~ for an accumulative length of the remaining 5 percent ~~(5%)~~ of the circumference of the tank. No gap between the tank shell and the secondary seal shall exceed 1/2 an inch (1.3 centimeters) ~~(1/2 inch)~~.
- (c) ~~Metallic-Shoe-type S~~seals installed on or after date of adoption of this rule, shall be installed so that one end of the shoe extends into the stored liquid and the other end extends a minimum vertical distance of 24 inches (61 centimeters) ~~(24 inches)~~ above the stored liquid surface.
- (d) The geometry of the shoe shall be such that the maximum gap between the shoe and the tank shell is no greater than double the gap allowed by the seal gap criteria for a length of at least 18 inches (46 centimeters) ~~(18 inches)~~ in the vertical plane above the liquid surface. There shall be no holes or tears in, or openings which allow the emission of organic vapors through the secondary seal or in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric. ~~-(A typical metallic shoe type seal with a pantagraph type hanger is shown in Figure 1. This sketch is for illustrative purposes only and does not constitute endorsement of any product or company.) [Figure 1 is no longer available]~~
- (e) The secondary seal shall allow easy insertion of probes up to 1 1/2 inches (3.8 centimeters) ~~(1-1/2 inches)~~ in width in order to measure gaps in the primary seal in accordance with section (C)(1)(a)(v). ~~[clarifying]~~
- (f) The secondary seal shall extend from the roof to the tank shell and shall not be attached to the primary seal.
- (2) For a closure device which used a Resilient-~~T~~oroid-type ~~s~~Seal as its primary seal:
- (a) If installation was commenced prior to February 20, 1980, gaps between the tank shell and the primary seal shall not exceed an 1/8 of an inch (0.32 centimeters) ~~(1/8 inch)~~ for an accumulative length of 95 percent ~~(95%)~~ of the circumference of the tank, and shall not exceed a 1/2 an inch (1.3 centimeters) ~~(1/2 inch)~~ for an accumulative length of the remaining 5 percent ~~(5%)~~ of the tank circumference. No gap between the tank shell and the ~~2~~primary seal shall exceed a 1/2 an inch (1.3 centimeters) ~~(1/2 inch)~~.
- (b) If installation was commenced prior to February 20, 1980 gaps between the tank shell and the secondary seal shall not exceed an 1/8 of an inch (0.32 centimeters) ~~(1/8 inch)~~ for an accumulative length of 95 percent ~~(95%)~~ of the circumference of the tank, and shall not exceed a 1/2 an inch (1.3 centimeters) ~~(1/2 inch)~~ for an accumulative length of the remaining 5

Commented [MLZ2]: Equivalent to Placer, equivalent to South Coast

Commented [MLZ3]: Equivalent to Placer, equivalent to South Coast

Formatted: Font: Italic

Commented [MLZ4]: Equivalent to South Coast.

Formatted: Font: Italic

Commented [MLZ5]: No gap specifications at South Coast for primary seal, nor distinctions regarding date.

percent (5%) of the tank circumference. No gap between the tank shell and the secondary seal shall exceed a 1/2 an inch (1.3 centimeters) (1/2-inch). ~~(A typical resilient toroid type seal with resilient foam type filling is shown in Figure 2. This sketch is for illustrative purposes only and does not constitute endorsement of any product or company.) [Figure 2 is no longer available]~~

Formatted: Font: Italic

- (c) If installation is commenced after February 20, 1980, the tank ~~Owner or~~ Operator shall, prior to installation, demonstrate to the ~~Air Pollution Control Officer~~ APCO, that the closure device controls vapor loss with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Subsection (F)(1)(a). The ~~Air Pollution Control Officer~~ APCO shall determine whether equivalence exists in accordance with Subsection (C)(1)(a)(iv). If equivalence is demonstrated using primary or secondary seal gap criteria (if any) different from the criteria specified in Subsections (F)(2)(a) or (b), those criteria shall be controlling for all purposes of this rule in lieu of the criteria specified in Subsections (F)(2)(a) and (b).
 - (d) There shall be no holes or tears in, or openings which allow the emission of organic vapors through the secondary seal or in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, seal fabric and secondary seal.
 - (e) The secondary seal shall allow easy insertion of probes up to 1 1/2 inches (3.8 centimeters) (1 1/2 inches) in width in order to measure gaps in the primary seal.
 - (f) The secondary seal shall extend from the roof of the tank shell and not be attached to the primary seal.
- (3) For a closure device on a riveted tank shell which uses a ~~Mmetallic-Sshoe-type~~ Sseal as its primary seal;
- (a) The closure device shall consist of two seals, one above the other; the one below shall be referred to as the primary seal, and the one above shall be referred to as the secondary seal.
 - (b) The closure device shall control vapor loss with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Subsection (F)(1). The APCO shall determine whether equivalence exists in accordance with Subsection (C)(1)(a)(4iv). Gaps between the primary and secondary seals shall not exceed the gaps (if any) associated with the closure device approved as equivalent by the APCO, and shall be controlling for all purposes of this rule.
 - (c) Metallic-~~Sshoe-type~~ Sseals installed on or after February 20, 1979 shall be installed so that one end of the shoe extends into the stored liquid and the other end extends a minimum vertical distance of 24 inches (61

Commented [MLZ6]: Equivalent to South Coast.

centimeters) ~~(24 inches)~~ above the stored liquid surface. The geometry of the shoe shall be such that the maximum gap between the shoe and the tank shell is no greater than double the gap allowed by the seal gap criteria for a length of at least ~~18 inches (46 centimeters)~~ ~~(18 inches)~~ in the vertical plane. ~~(A typical metallic shoe type seal with a pantagraph type hanger is shown in Figure 1. This sketch is for illustrative purposes only and does not constitute endorsement of any product or company).~~ ~~[depiction in figure 1 is no longer available]~~

Commented [MLZ7]: Equivalent to South Coast.

Formatted: Font: Italic

(d) There shall be no holes or tears in, or openings which allow the emission of organic vapors through the envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric.

(e) Any secondary seal shall allow easy insertion of probes up to ~~6.4 centimeters (2 1/2 inches)~~ ~~1 1/2 inches (3.8 centimeters)~~ in width in order to measure gaps in the primary seal. ~~[New to D6 – EPA suggestion to change probe size to be consistent with VCAPCD rule 71.2 and SCAQMD rule 463]~~

Formatted: Font: Italic

(f) Any secondary seal shall extend from the roof to the tank shell and shall not be attached to the primary seal.

(4) The ~~Owner or~~ Operator of any tank with ~~a such a system~~ closure device, or proposed to be equipped with such a system, shall, prior to use on installation, demonstrate equivalence to the ~~USEPA, CARB and the APCO~~ APCO as follows:

Formatted: Not Highlight

(a) By an actual emissions test in a full-size or scale sealed tank facility which accurately collects and measures all hydrocarbon emissions associated with a given closure device, and which accurately simulates other emission variables, such as temperature, barometric pressure and wind. The test facility shall be subject to prior approval by the ~~USEPA, CARB and the APCO~~ APCO, or,

(b) By a pressure leak test, engineering evaluation or other means, where the ~~USEPA, CARB and the~~ APCO determines that the same is an accurate method of determining equivalence.

~~(G) If any portion of this rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect. [New to D8 – Severability section added to section [A], making this section duplicative of that].~~

Formatted: Font: 12 pt, Italic

Formatted: Font: 12 pt

(H) Compliance Verification Test Methods*

(1) ~~When more than one test method is specified for testing, a violation determined by any one of these test methods shall constitute a violation of the rule.~~

- (a) ASTM METHOD D-323-06: Reid vapor pressure shall be determined in accordance with American Society of Testing and Materials D323-06, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
- (b) ASTM METHOD D-2879-97 (2002)(e1): True vapor pressure shall be determined in accordance with American Society of Testing and Materials D2879-97(2002)(e1), Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope.
- (c) EPA METHODS 2A OR 2B: The gas flow rate shall be determined in accordance with EPA Method 2A, Direct Measurement of Gas Volume Through Pipes and Small Ducts; or EPA Method 2B, Determination of Exhaust Gas volume flow rate From Gasoline Vapor Incinerators, as applicable.
- (d) EPA METHOD 18: Exempt compounds shall be determined in accordance with EPA Method 18, Measurement of Gaseous Organic Compound Emissions by Gas Chromatography.
- (e) EPA METHOD 21: The gas tight condition shall be determined in accordance with EPA Method 21, Determination of Volatile Organic Compound Leaks, using a portable analyzer calibrated with methane gas.
- (f) EPA METHODS 25, 25A OR 25B: VOC emissions shall be determined in accordance with EPA Method 25 – Gaseous Nonmethane Organic Emission, or 25A - Gaseous Organic Concentration, Flame Ionization; or EPA Method 25B - Gaseous Organic Concentration, Infrared Analyzer, as applicable. [New to D10 – updated to add 25 as a test method and correct the double description of 25A]
- (g) CARB TEST PROCEDURE TP-203.1: The terminal vapor recovery system efficiency shall be determined in accordance with CARB Vapor Recovery Test Procedure TP-203.1, Determination of Emission Factor of Vapor Recovery Systems of Terminals.
- (2) Other test methods demonstrated to provide results that are acceptable for determining Reid or true vapor pressure for purposes of demonstrating compliance with this rule, after review and approval in writing by the District, the CARB, and the USEPA, may also be used. [New to D7 - language adapted from Yolo-Solano AQMD Rule 2.21 Organic Liquid Storage and Transfer (09/14/16) based on discussions with EPA]

~~Vapor Pressure shall be determined in accordance with ASTM Method D 323-82, or the unmodified Reid Method and the true vapor pressure in psi absolute of stored liquid shall be determined by using the nomographs contained in American~~

Petroleum Institute Bulletin 2517 for conversion of Reid vapor pressure to true vapor pressure.

- (2) ~~Vapor Tightness (Fugitive Vapor Leaks) for all equipment described in Section (C) shall be determined by EPA Method 21—Determination of Volatile Organic Compounds Leaks.~~
- (3) ~~Vapor Tightness for delivery vessels shall be determined by the EPA Method entitled Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (method specified in the CTG EPA 450/2-78-051), or the CARB Method entitled, "Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks".~~
- (4) ~~Vapor Tightness for bulk plants shall be determined by CARB Method 202, "Certification of Vapor Recovery Systems—Bulk Plants".~~
- (5) ~~Vapor Tightness terminals shall be determined by CARB Method 203, "Certification of Vapor Recovery Systems—Gasoline Terminals".~~
- (6) ~~Vapor Tightness for service stations shall be determined by the CARB Methods in "Test Procedures for Determining the Efficiency of Gasoline Vapor Recovery Systems at Service Stations".~~

~~* A violation determined by any one of these test methods shall constitute a violation of the rule.~~

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
RULE 463 - ADDENDUM

STORAGE TEMPERATURES vs. ~~ACTUAL-TRUE~~ VAPOR PRESSURE
(gravity/initial boiling points referenced)

	Reference Property		Temperature, °F	
	A - API	B	Not to Exceed Vapor Pressure	
	<u>A</u>	<u>B</u>	<u>0.5 pisa</u>	<u>1.5 pisa</u>
<u>Organic Liquids</u>				
Crude Oils	12	---	---	---
	13	---	120	180
	14	---	85	145
	16	---	60	107
	18	---	55	93
	20	---	52	84
	22	---	49	77
	24	---	45	73
	26	---	42	70
	28	---	40	67
	30	---	38	64
<u>Middle Distillates</u>				
Kerosene	42.5	350	195	250
Diesel	36.4	372	230	290
Gas Oil	26.2	390	249	310
Stove Oil	23	421	275	340
<u>Jet Fuels</u>				
JP-1	43.1	330	165	230
JP-3	54.7	110	---	25
JP-4	51.5	150	20	68
JP-5	39.6	355	205	260
JP-7	44-50	360	205	260

463-14

MDAQMD Rule 463
Storage of Organic Liquids
~~D3: 11/02/92~~D11: 12/19/2017

	Reference Property		Temperature, °F	
	A - API	B - IBP, °F	Not to Exceed Vapor Pressure	
<u>Fuel Oil</u>				
# 1	42.5	350	195	250
# 2	36.4	372	230	290
# 3	26.2	390	249	310
# 4	23.0	421	275	340
# 5	19.9	560	380	465
# 6	16.2	625	450	---
<u>Asphalts</u>				
60-100 pen.	---	---	490	550
120-150 pen.	---	---	450	500
200-300 pen.	---	---	360	420
Acetone	47.0	133	---	35
Acrylonitrile	41.8	173	30	60
Benzene	27.7	176	35	70
Cyclohexane	49.7	177	35	70
Ethylacetate	23.6	171	35	70
Ethyl Alcohol	47.0	173	45	83
Isopropyl Alcohol	47.0	181	45	87
Methyl Alcohol	47.0	148	---	50
Mehylethyl Ketone	44.3	175	30	70
Toluene	30.0	231	73	115
Vinyl Acetate	19.6	163	---	60
Carbon Disulfide	10.6	116	---	10
Carbon Tetra-Chloride	13.4	170	30	60
Chloroform	12.5	142	---	40

	Reference Property		Temperature, °F	
	A - API	B - IBP, °F	Not to Exceed Vapor Pressure	
1,2-Dichloro-ethane	10.5	180	35	77
Methylene Chloride	11.1	104	---	70
1,1,1-Trichloro-ethane	11.2	165	60	100
Trichloroethylene	12.3	188	50	91

See SIP Table at <http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=45>

[SIP: Approved 5/3/95, 60 FR 21702, 40 CFR 52.220(e)(191)(i)(C); Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(e)(xii)(B); Approved _____, _____, 40 CFR 52.220(e)(42)(xiii)(A)]

Formatted: Font: 12 pt

Field Code Changed

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Appendix “B”
Public Notice Documents

1. Draft Proof of Publication – Daily Press, September 22, 2017
2. Draft Proof of Publication – Riverside Press Enterprise, September 22, 2017

This page intentionally left blank.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

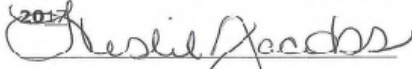
September 22

All in the year 2017.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 22nd day of September,

2017



Signature

Leslie Jacobs

This space is the County Clerk's Filing

Stamp

FILED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

SEP 27 2017

BY 

Proof of Publication of NOTICE OF HEARING

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2017 at 10:00 A.M. to consider the proposed amendment of Rule 102 - Definition of Terms, Rule 461 - Control of Trenches and Hauling, Rule 462 - Organic Liquid Loading, Rule 463 - Storage of Organic Liquids, Rule 1115 - Aerial Pests and Pesticide Coating Operations, and Rule 1160 - Internal Combustion Engines.

Said HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 1430K Park Avenue, Victorville, CA 92392-2310 when all interested persons may be present and be heard. Copies of the proposed rule and the associated Staff Reports are on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Parker, JPR-7, at the above office address. Written comments should be received no later than October 20, 2017 to be considered. If you have any questions regarding Rule 102 or Rule 1115, you may contact Tracy Walters at (760) 245-1651 extension 6122 for further information. If you have any questions regarding Rules 461, 462,

or 463 you may contact Michelle Zumwalt at extension 1754 for further information. If you have any questions regarding Rule 1160 you may contact Shea Haggard at extension 1864 for further information. Traducción esta disponible por solicitud.

The proposed amendment of Rule 102 - Definition of Terms is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 461, 462, 463, 1115 and 1160 are proposed for amendment to satisfy 41 U.S.C. §7511a (Federal Acquisition Regulation (FAR) 18.2) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA), the MDAQMD has determined that a Categorical Exemption (Class 3 - 14 Cal. Code Reg. §15000) applies and has prepared a Notice of Exemption for this action.

Published in the
Daily Press
September 22, 2017
(p. 75)

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2017 at 10:00 A.M. to consider the proposed amendment of Rule 102 – *Definition of Terms*, Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading*, Rule 463 – *Storage of Organic Liquids*, Rule 1115 – *Metal Parts & Products Coating Operations*, and Rule 1160 – *Internal Combustion Engines*.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed rules and the associated Staff Reports are on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, APCO at the above office address. Written comments should be received no later than October 20, 2017 to be considered. If you have any questions regarding Rule 102 or Rule 1115 you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. If you have any questions regarding Rules 461, 462, or 463 you may contact Michelle Zumwalt at extension 5756 for further information. If you have any questions regarding Rule 1160 you may contact Sheri Haggard at extension 1864 for further information. Traducción esta disponible por solicitud.

The proposed amendment of Rule 102 – *Definition of Terms* is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 461, 462, 463, 1115 and 1160 are proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P.)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Disc: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 20, 1967, Case Number 84873, under date of August 26, 1966, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/22/2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date September 22, 2017
At: Riverside, California


Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14306 PARK AVE
ATTN: D. HERNANDEZ
VICTORVILLE, CA 92382

Ad Number: 001102355-01

P.O. Number:

Ac Copy

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2017 at 10:00 A.M. to consider the proposed amendment of Rule 102 - Definition of Terms, Rule 461 - Gasoline Transfer and Dispensing, Rule 462 - Organic Liquid Loading, Rule 463 - Storage of Organic Liquids, Rule 115 - Metal Parts & Products Coating Operations, and Rule 116B - Internal Combustion Engines.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices, 1504 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed rules and the associated Staff Reports upon file and may be obtained from the Executive Office Manager of the MDAQMD offices. Written comments may be submitted to Brad Poirier, APCO at the above office address. Written comments should be received no later than October 26, 2017 to be considered. If you have any questions regarding Rule 102 or Rule 115 you may contact Tracy Walters at (951) 345-1611 extension 5122 for further information. If you have any questions regarding Rules 461, 462, or 463 you may contact Michelle Zumwalt at extension 5736 for further information. If you have any questions regarding rule 116B you may contact Sheri Haggard at extension 1664 for further information. Translation assistance is available upon request.

The proposed amendment of Rule 102 - Definition of Terms is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 461, 462, 463, 115 and 116B are proposed for amendment to satisfy B.U.S.C. 60711a (Federal Clean Air Act (FCAA) 910) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a categorical exemption (Class 1 - 14 Cal. Code Regs 153306) applies and has prepared a Notice of Exemption for this action.

9/22

FILED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

SEP 27 2017

BY 

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2017 at 10:00 A.M. to consider the proposed amendment of Rule 102 – *Definition of Terms*, Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading*, Rule 463 – *Storage of Organic Liquids*, Rule 1115 – *Metal Parts & Products Coating Operations*, and Rule 1160 – *Internal Combustion Engines*.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed rules and the associated Staff Reports are on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, APCO at the above office address. Written comments should be received no later than October 20, 2017 to be considered. If you have any questions regarding Rule 102 or Rule 1115 you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. If you have any questions regarding Rules 461, 462, or 463 you may contact Michelle Zumwalt at extension 5756 for further information. If you have any questions regarding Rule 1160 you may contact Sheri Haggard at extension 1864 for further information. Traducción esta disponible por solicitud.

The proposed amendment of Rule 102 – *Definition of Terms* is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 461, 462, 463, 1115 and 1160 are proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

Appendix “C”

Public Comments and Responses

1. Kinder Morgan – Comment submittal, August 31, 2017
 - a. District Response contained within attached email, September 7, 2017
2. Metropolitan Water District – Comment submittal, September 7, 2017
 - a. District Response contained within attached email, September 12, 2017
3. Kinder Morgan – Comment submittal, September 19, 2017
 - a. District Response contained within attached email, September 25, 2017
4. Metropolitan Water District – Comment submittal, September 19, 2017
 - a. District Response contained within attached email, September 25, 2017
5. USEPA – Comment submittal, October 18, 2017
 - a. District Response contained in draft rule revisions emailed November 7, 2017, itemized response contained here in Staff Report D6.

This page intentionally left blank.

**1.) Comment Submission by:
Kinder Morgan**

Michelle Zumwalt

From: Michelle Zumwalt
Sent: Thursday, September 7, 2017 11:10 AM
To: 'Picado, Juziel'
Cc: Alan De Salvio
Subject: RE: Amendments to Rules 461, 462 and 463

Also, your interpretation of the breakdown requirements in section 6 are correct.

Thanks,
Michelle

From: Michelle Zumwalt
Sent: Thursday, September 7, 2017 11:07 AM
To: 'Picado, Juziel'
Cc: Alan De Salvio
Subject: RE: Amendments to Rules 461, 462 and 463

Please see responses below...

Please feel free to reach out to me if you have any questions.

Thanks,

Michelle Zumwalt
Air Quality Specialist

Mojave Desert AQMD / Antelope Valley AQMD
14306 Park Avenue • Victorville, CA 92392
Phone: (760) 245-1661 x5756 • Fax: (760) 245-2022
www.mdaqmd.ca.gov • www.avagmd.ca.gov

From: Picado, Juziel [mailto:Juziel_Picado@kindermorgan.com]
Sent: Thursday, August 31, 2017 9:57 AM
To: Michelle Zumwalt
Subject: RE: Amendments to Rules 461, 462 and 463

Hi Michelle,

I have a few comments/questions regarding the proposed amendments to Rules 461, 462 and 463. They are as follows:

Rule 461

- 1) It is our understanding that this rule is not applicable to bulk terminals. Is this correct?
 - a. 461 is not applicable to bulk terminals.

Rule 462

- 2) Page 1, Sections (A)(1)(a) and (A)(2)(b)
 - a. the above mentioned sections do not apply to gas stations.

Is loading into motor vehicle fuel tanks gasoline dispensing, i.e. like what is done at gasoline stations? If so, are gasoline stations subject to this rule since it mentioned retail and non-retail service stations by that particular terminology? If gasoline stations are not intended for this rule, we suggest removing any reference to them from this rule.

- b. Gas Stations are however subject Section (D) Additional Requirements of this rule, so they cannot be removed.

3) Page 4, Section (C)(1)(e)

This section mentions "facility vapor leaks, or liquid leaks". Could please clarify if what is meant here to be more clear are "fugitive vapor leaks" and "fugitive liquid leaks", as they are defined in Rule 102? Adding the word "fugitive" might be more indicative that what this section of the rule is trying to prevent are fugitive leaks, whether in vapor or liquid form. Please see item 5 below since it is related.

- a. Great suggestion, we will incorporate additional language for clarity into the rule.

4) Pages 4-5, Section (C)(2)(a)(iv)

Suggesting to add "excluding floating roof tanks" to clarify since P/V vents are the control for fixed roof tanks, but not for floating roof tanks.

- a. Great suggestion, we will incorporate additional language for clarity into the rule.

5) Page 6, Section (D)(4)(a)

There is a limit of 10,000 ppm mentioned in this rule. Is this limit of 10,000 ppm different because it only applies when switch loading only and has nothing to do with the vapors emitted being considered "fugitive vapor leaks" as defined in Rule 102? If the vapors are considered "fugitive", then the limit is 3,000 ppm, as per Rule 102. In other words, why the two limits, one for 10,000 ppm and the other for 3,000 ppm for fugitive vapor leaks?

- a. Per RACT, 10,000 ppm is an applicability threshold.

Rule 463

6) Page 6, Section (C)(3)(e)

Is there any reporting requirement for the tanks found in non-compliance under this section, i.e. report the non-compliance? Also, after this rule is adopted, there will be no need to call tank breakdowns which can be brought back to compliance within 72 hours. Conversely, if it will take longer than 72 hours to bring the tank back into compliance then it's considered a breakdown and a breakdown event would have to be reported to the MDAQMD. Is this interpretation correct?

- a. Yes, any tanks found to be non-compliant shall be reported/recorded under section (D)(3) of this rule, including the actions to bring it back into compliance.

7) Please clarify if liquids with a true vapor pressure of less than 0.5 psia (e.g. diesel, jet fuel, biodiesel, etc.) are not subject to Rules 462 and 463.

- a. Liquids with a true vapor pressure of less than 0.5 psia are subject to both rules 462, and 463 – please see 462 (D), and 463 (C)(3).

Thank you,

Juziel Picado
Specialist – Permitting Compliance

KINDER MORGAN

1100 Town & Country Rd., Suite 700
Orange, CA 92868
Office: (714) 560-4991
Cell: (714) 438-9478
Juziel_Picado@kindermorgan.com

From: Michelle Zumwalt [<mailto:mzumwalt@mdaqmd.ca.gov>]
Sent: Monday, August 21, 2017 2:40 PM
To: Picado, Juziel
Subject: RE: Amendments to Rules 461, 462 and 463

[This email message was received from the Internet and came from outside of Kinder Morgan]

Good Afternoon Mr. Picado –

We hope to adopt at the October Governing Board meeting, which will be held on October 23, 2017.

Please let me know if you have any additional questions or comments.

Thanks,

Michelle Zumwalt
Air Quality Specialist

Mojave Desert AQMD / Antelope Valley AQMD
14306 Park Avenue • Victorville, CA 92392
Phone: (760) 245-1661 x5756 • Fax: (760) 245-2022
www.mdaqmd.ca.gov • www.avaqmd.ca.gov

From: Picado, Juziel [mailto:Juziel_Picado@kindermorgan.com]
Sent: Monday, August 21, 2017 2:32 PM
To: Michelle Zumwalt
Subject: Amendments to Rules 461, 462 and 463

Hi Michelle,

Can you please send me electronic copies of the proposed amendments to Rules 461, 462 and 463? Also, what is the timeline for implementation of these rules?

Thank you,

Juziel Picado
Specialist – Permitting Compliance

KINDER MORGAN
1100 Town & Country Rd., Suite 700
Orange, CA 92868

Office: (714) 560-4991
Cell: (714) 438-9478
Juziel_Picado@kindermorgan.com

2.) Comment Submission by: Metropolitan Water District

Michelle Zumwalt

From: Michelle Zumwalt
Sent: Tuesday, September 12, 2017 11:25 AM
To: 'Kaufman,Carol Y'
Cc: Fang,Anthony C; Cotter,Sean T; Bell,Janet J; Gabelich,Christopher J; Alan De Salvio
Subject: RE: MWD Comments re: MDAQMD Rule Amendments 461, 462 and 463

Good Morning Ms. Kaufman –

It was a pleasure to speak with you as well. I appreciate your taking to time to review and submit comments, please see my responses below. A staff report and updated draft rules will be circulated in the near future.

Michelle Zumwalt
Air Quality Specialist

Mojave Desert AQMD / Antelope Valley AQMD
14306 Park Avenue • Victorville, CA 92392
Phone: (760) 245-1661 x5756 • Fax: (760) 245-2022
www.mdaqmd.ca.gov • www.avaqmd.ca.gov

From: Kaufman,Carol Y [mailto:cykaufman@mwdh2o.com]
Sent: Thursday, September 7, 2017 6:41 PM
To: Michelle Zumwalt
Cc: Fang,Anthony C; Cotter,Sean T; Bell,Janet J; Gabelich,Christopher J
Subject: MWD Comments re: MDAQMD Rule Amendments 461, 462 and 463

Hi Michelle,

Thanks for the discussion yesterday and for providing the electronic copies of the draft rule amendments. To follow-up on our conversation, Metropolitan's comments to date on the proposed amendments are as follows:

- Proposed Amended Rule 461. Gasoline Transfer and Dispensing

“Altered Gasoline Transfer and Dispensing Facility” – The draft rule contains multiple references to an “Altered Gasoline Transfer and Dispensing Facility”. We recommend that a definition of the term be included to clarify what type of changes to a system would constitute an alteration that would trigger the specified rule requirements.

➤ District Response –Thank you for your comments, Altered Gasoline Transfer and Dispensing Facility has been added to the definitions in Rule 461.

- Proposed Amended Rule 462. Organic Liquid Loading

Applicability – As currently written, the applicability includes Class “A” or “B” facilities that “...include, but are not limited to, bulk facilities, retail and non-retail service stations or any other facility where organic liquids are stored or transferred.” However, in reading the rule, it appears that the rule is intended to regulate facilities that have bulk loading operations, and not small non-retail gasoline dispensing facilities that are already regulated in MDAQMD Rule 461 per the CARB Vapor Recovery requirements. We recommend that the applicability be reviewed,

and clarified if the intent is to not regulate these type of facilities that are already regulated as gasoline dispensing facilities under Rule 461. As an example, SCAQMD Rule 462 contains the following applicability definition:

“(6) FACILITY is an organic liquid or gasoline loading rack or set of such racks that load organic liquid or gasoline into tanks, trailers or railroad cars, which are located on one or more contiguous properties within the District, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person or persons under common control.”

- District Response – In the preliminary version of the draft rule, applicable tanks for loading were struck from the Class “A” Facility and Class “B” Facility definitions. Those tanks, “tank truck, trailer or railroad tank car”, have been maintained in the newest draft of the rule. This update maintains that retail and non-retail gasoline dispensing facilities are not subject to Class “A” and Class “B” facility requirements as outlined in Sections (C)(1) and (C)(2) of Rule 462. However Section (D) is subject to the Health and Safety Code Section 41950 – 41974, which cover both Articles 5 – *Gasoline Vapor Control*; and Article 6 - *Gasoline Cargo Tanks*. This makes stationary storage tanks with a capacity of 250 gallons or greater is subject to Section (D) of the rule, which would reasonably include retail and non-retail gasoline dispensing facilities.

The attached electronic copies will be used to continue Metropolitan’s review of the proposed amendments, and we will provide any additional comments in advance of the tentative October adoption.

Please let me or Anthony Fang (afang@mwdh2o.com, 213-217-6106) know if you have any questions.

Have a great weekend,

CAROL KAUFMAN
Air Quality Program Manager
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, CA 90012
213-217-6207
FAX 213-217-6700
Cell 310-850-6105



Follow us on   @mwdh2o.com

From: Michelle Zumwalt [<mailto:mzumwalt@mdaqmd.ca.gov>]
Sent: Wednesday, September 06, 2017 2:20 PM
To: Kaufman,Carol Y
Subject: FW: MDAQMD Rule Amendments 461, 462 and 463

Good Afternoon Carol –

Thank you for reaching out to me. Here are the electronic copies of the preliminary drafts that I am working on. We are planning to go to the board with them in October (10/23/2017). I welcome any additional comments or suggestions that you may have.

Michelle Zumwalt
Air Quality Specialist

Mojave Desert AQMD / Antelope Valley AQMD
14306 Park Avenue • Victorville, CA 92392
Phone: (760) 245-1661 x5756 • Fax: (760) 245-2022
www.mdaqmd.ca.gov • www.avaaqmd.ca.gov

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.

This page intentionally left blank

3.) Comment Submission by:
Kinder Morgan

Michelle Zumwalt

From: Michelle Zumwalt
Sent: Monday, September 25, 2017 2:39 PM
To: 'Picado, Juziel'
Cc: Wang, Yijin; Alan De Salvio
Subject: RE: Amendments to Rules 461, 462 and 463

Good Afternoon Mr. Picado –

Please see the District response below. Thank you for helping to clarify this section of the rule.

From: Picado, Juziel [mailto:Juziel_Picado@kindermorgan.com]
Sent: Tuesday, September 19, 2017 6:33 AM
To: Michelle Zumwalt
Cc: Wang, Yijin
Subject: RE: Amendments to Rules 461, 462 and 463

Good Morning Michelle,

I was looking over the second revision of Rule 462 and noticed that section (F)(1)(b)(iv) is not crossed out as it was in the first version. The language in the rule reads "storage and transfer temperatures of the organic liquid". Could you please clarify what is meant by transfer temperatures? Does this mean we have to record the temperature every time an organic liquid is transferred, i.e. the transfer temperature?

- District Response: The struck out language in paragraph (F)(1)(b) currently requires that storage and transfer temperatures be recorded on a daily basis. I will update (F)(1)(b)(iv) to clarify that this record keeping will still be required on a daily basis.

Thanks,

Juziel Picado
Specialist – Permitting Compliance

KINDER MORGAN

1100 Town & Country Rd., Suite 700
Orange, CA 92868
Office: (714) 560-4991
Cell: (714) 438-9478
Juziel_Picado@kindermorgan.com

From: Michelle Zumwalt [mailto:mzumwalt@mdaqmd.ca.gov]
Sent: Thursday, September 07, 2017 11:10 AM
To: Picado, Juziel
Cc: Alan De Salvio
Subject: RE: Amendments to Rules 461, 462 and 463

This page intentionally left blank.

4.) Comment Submission by: Metropolitan Water District

Michelle Zumwalt

From: Michelle Zumwalt
Sent: Monday, September 25, 2017 4:40 PM
To: 'Kaufman,Carol Y'
Cc: Fang,Anthony C; Cotter,Sean T; Bell,Janet J; Gabelich,Christopher J; Alan De Salvio
Subject: RE: MWD Additional Comments re: MDAQMD Rule Amendments 461, 462 and 463

Good Evening Carol –

Thank you for taking the time to comment on our proposed rules for adoption. Please see below for comments. An updated staff report with redlined rules will follow shortly.

Michelle Zumwalt
Air Quality Specialist

Mojave Desert AQMD / Antelope Valley AQMD
14306 Park Avenue • Victorville, CA 92392
Phone: (760) 245-1661 x5756 • Fax: (760) 245-2022
www.mdaqmd.ca.gov • www.avaqmd.ca.gov

From: Kaufman,Carol Y [mailto:cykaufman@mwadh2o.com]
Sent: Tuesday, September 19, 2017 1:59 PM
To: Michelle Zumwalt
Cc: Fang,Anthony C; Cotter,Sean T; Bell,Janet J; Gabelich,Christopher J
Subject: MWD Additional Comments re: MDAQMD Rule Amendments 461, 462 and 463

Hi Ms. Zumwalt,

We appreciate the timely response to our initial comments and for incorporating the recommended definition in Proposed Amended Rule (PAR) 461. Relative to the second comment on PAR 462, Organic Liquid Loading, as we discussed late last week it was made in an attempt to clarify the rule applicability and minimize possible duplication between the organic liquid rules and Rule 461 which is specific for the transfer and dispensing of gasoline (i.e., into any stationary storage tank or mobile fueler or motor vehicle fuel tank).

Along these lines, we ask that the following be considered:

- Proposed Amended Rule 462. Organic Liquid Loading – the Purpose and Applicability should be limited to “facilities that load organic liquids with a vapor pressure of 1.5 psia (77.5 mm Hg) or greater under actual loading conditions into any tank truck, trailer, or railroad tank car.” Loading into a stationary storage tank or a motor vehicle fuel tank is already covered in Rule 461. As such, the regulatory requirements (e.g., pursuant to the Health and Safety Code) for retail and non-retail gasoline transfer and dispensing facilities would then be centralized in Rule 461 and not repeated in Rule 462. This applicability is consistent with the approach of other air districts, such as Antelope Valley AQMD (AVAQMD) and SCAQMD, where their Rules 462 are limited to tank truck, trailer, or railroad tank car.
 - **District Response:** The applicable vapor pressure could vary based on type of organic liquid stored at a facility. Organic Liquid is defined in Rule 102 as, “Any compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions.” Class A

Facility and Class B Facility are defined in 462 as having True Vapor Pressure under actual storage conditions as 77.5 mm (1.5 psia) or greater.

Section D of this rule is subject to the Health and Safety Code Section 41950 – 41974, which cover both Articles 5 – Gasoline Vapor Control; and Article 6 - Gasoline Cargo Tanks. This makes stationary storage tanks with a capacity of 250 gallons or greater is subject to Section (D) of the rule, which would reasonably include retail and non-retail gasoline dispensing facilities.

- Proposed Amended Rule 463. Storage of Organic Liquids – since this rule applies to above ground gasoline storage tanks of capacity of at least 250 gallons, we recommend that the following phrase be added to (C) Requirements, (1)(c)(ii) – “All piping, valves and fittings shall be constructed and maintained in a gas tight condition, such that no organic vapor or gas leaks are detectable, *in accordance with requirements of other District rules for such equipment*. This wording is also found in AVAQMD and SCAQMD Rules 463, and appears to be a reference to the Rule 461 requirements for gasoline transfer and dispensing facilities.
 - **District Response:** Language has been clarified in section (C)(1)(c)(ii) to reference the defined terms (capitalized) in our Definitions Rule 102, “All piping, valves and fittings shall be constructed and maintained both *Liquid Tight* and *Vapor Tight*, such that no organic vapor or gas leaks are detectable.”

Thank you again for your consideration of our clarification comments. Please let me or Anthony Fang (afang@mwdh2o.com, 213-217-6106) know if you would like to discuss further.

Take care,

Carol

From: Michelle Zumwalt [<mailto:mzumwalt@mdaqmd.ca.gov>]
Sent: Tuesday, September 12, 2017 11:25 AM
To: Kaufman,Carol Y
Cc: Fang,Anthony C; Cotter,Sean T; Bell,Janet J; Gabelich,Christopher J; Alan De Salvo
Subject: RE: MWD Comments re: MDAQMD Rule Amendments 461, 462 and 463

Good Morning Ms. Kaufman –

It was a pleasure to speak with you as well. I appreciate your taking to time to review and submit comments, please see my responses below. A staff report and updated draft rules will be circulated in the near future.

Michelle Zumwalt
Air Quality Specialist

Mojave Desert AQMD / Antelope Valley AQMD
14306 Park Avenue • Victorville, CA 92392
Phone: (760) 245-1661 x5756 • Fax: (760) 245-2022
www.mdaqmd.ca.gov • www.avaqmd.ca.gov

From: Kaufman,Carol Y [<mailto:cvkaufman@mwdh2o.com>]
Sent: Thursday, September 7, 2017 6:41 PM

**5.) Comment Submission by:
USEPA**

10/18/2017

Hi Michelle,

We are providing comments below based on our preliminary review of draft Mojave Desert Rules 461 (dated D3: 9/12/17), 462 (dated D3: 9/13/17), and 463 (dated D3: 9/12/17).

Please feel free to contact me at (415) 972-3004.

Sincerely,

Rebecca Newhouse

Mojave Desert draft Rule 461, Gasoline Transfer and Dispensing (dated D3: 9/12/17)

We are providing the following comments to help clarify and improve Rule 461.

1. Under (C)(1), the section heading was amended to only apply to gasoline transfers into stationary storage tanks or mobile fuelers (i.e., Phase I transfers), however, the requirements still reference gasoline transfer "into or from any tank...". Please make necessary changes to ensure consistency when referring to Phase I transfers.
2. Please update the link in (C)(3)(a). The link provided is for a VRED list not updated since 2006. Consider this URL <https://www.arb.ca.gov/vapor/vred/vred.htm> or removing the URL from the rule.
3. We recommend removing the reference to "delivery vessels" in (C)(1)(c) to clarify that all non-exempted stationary storage tanks during Phase I transfers are required to be equipped with CARB-certified vapor recovery systems.
4. Please delete the incorrect reference to section (E) in (E)(1) and replace with a reference to section (G).
5. We recommend specifying in Section (G) that, when more than one test method is specified for determining compliance, a violation determined by any of the methods constitutes a violation of the rule.
6. The revised rule adds references to mobile fuelers, in addition to stationary storage tanks, but does not specify vapor recovery requirements for mobile fuelers in Section (C)(1)(c). For clarity and consistency, we recommend including in Section (C)(1)(c) a reference to mobile fueler tanks, as well as storage tanks, to ensure they are equipped with a CARB certified vapor recovery system having a minimum volumetric efficiency of 95% (for example, please see SCAQMD Rule 461 section (c)(1)(C), and Sacramento Metro AQMD Rule 448 section 301.3).
7. The new text in (C)(1)(l) through (p) appears to be in the wrong section and should probably be in (C)(3) Additional Requirements, instead of (C)(1) Gasoline Transfers into Stationary Storage

Tanks and Mobile Fuelers (Phase I). See, for example, AVAQMD Rule 461 sections (C)(3)(g)-(k) and SCAQMD Rule 461 sections (c)(3)(I), (K), (L), and (N).

8. The references in section (E)(4) to subsection (F)(3), (F)(4), and (F)(5) appear to be incorrect. Please review whether the references should instead be (E)(3)(c)-(e) (for example, please see AVAQMD Rule 461 section (C)(5)(d)).
9. Please consider updating the vapor recovery system efficiencies for Phase I systems to ensure consistency with CARB CP-201. For example, this rule requires in Section(C)(1)(c) that the tank be equipped with a CARB-certified vapor recovery system that achieves a 95% efficiency, but this is inconsistent with CARB CP 201, which requires 98% efficiency for Phase I gasoline transfers to underground tanks (for example, see Sacramento Metro AQMD Rule 448 section 301.1 and SCAQMD Rule 461 (c)(1)(A)).

Mojave Desert AQMD draft Rule 462: Organic Liquid Loading (dated 03: 9/13/17)

We recommend the following change to address a potential approvability issue:

1. Please specify a vapor recovery efficiency requirement or emissions limit for Class "B" facilities. For example, please see Antelope Valley AQMD Rule 462 section (d)(2)(B), SCAQMD Rule 462 section (d)(2)(B), and Ventura County APCD Rule 70 section (C)(1), which require 90% vapor recovery efficiency for transfers at gasoline bulk plants, and San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4624 section 5.2 and Yolo-Solano AQMD Rule 2.21 section 309.1, which both require at least 95% prevention of displaced VOCs from bulk gasoline plant transfers, and see Sacramento Metropolitan AQMD Rule 447 section 302, which sets an emissions limit of 0.6 lbs VOC/1000 gallons organic liquid transferred at bulk plants and Placer County APCD Rule 215 section 301.3, with an emissions limit of 0.6 lbs VOC/1000 gallons of gasoline transferred at bulk plants.

We believe the following comments will help clarify and improve Rule 462 and are not likely approvability issues.

2. In section (C)(1)(a)(ii), please specify the requirements that must be met for district approval of a vapor recovery and/or disposal system.
3. Please revise section (F)(1)(a) to require records be maintained for at least 5 years for Title V sources and sources subject to MACT standards.
4. It is not clear why the test method for determining vapor recovery efficiency for service stations is included in this rule since the rule does not cover vapor recovery efficiencies for gasoline service stations. Please verify, and make changes if needed, that test method (G)(1)(d) is necessary to ensure compliance with rule requirements.
5. Please consider including a requirement that the backpressure in the vapor recovery system for loading at Class "B" facilities not exceed 18 inches of water column pressure (for example, please see AVAQMD Rule 462 (d)(2)(C)).

6. Please consider including a requirement that all vapor recovery and/or disposal systems at Class A facilities be equipped with a continuous monitoring system (CMS) that is installed, operated and maintained per the manufacturer's specifications and is approved by the Executive Officer or designee (for example, please see Antelope Valley AQMD Rule 462 (d)(1)(B)).
7. Please consider requiring semi-annual or annual leak inspections with a portable hydrocarbon analyzer of the vapor collection system, the vapor disposal system, and each loading rack handling organic liquids, if the owner or operator chooses to comply with the monthly inspection schedule using sight, sound, and smell (D)(5)(a)(i)).

Mojave Desert draft Rule 463, Storage of Organic Liquids (dated 03: 9/12/17)

We recommend the following changes to address potential approvability issues:

1. Please include a test method appropriate to determine compliance with (C)(1)(c) and (C)(1)(d), such as EPA Method 25 or 25A. For example, please see SCAQMD Rule 463 (h)(1) and Ventura County APCD rule 71.2 (j)(2).
2. The Rule contains several potential approvability issues with regard to the use of Director's discretion. Specifically, see (C)(1)(a)(iv), (F)(3)(b), (F)(4), and (D)(1).
3. We agree with the assessment in your RACT SIP supplemental analysis dated February 25, 2014 that Rule 463 has less stringent requirements for tank seal gaps than other similar district rules. We recommend riveted tanks meet the same requirements as welded tanks with a mechanical shoe seal for primary and secondary seal gaps (please see Antelope Valley AQMD Rule 463 section (c)(1)(A) and SCAQMD Rule 463 section (c)(1)(A)).

We believe the following comments will help clarify and improve Rule 463 and are not likely approvability issues.

4. It is not clear why test methods for determining "vapor tightness" for delivery vessels, bulk plants, terminals and service stations are included in this rule. Their inclusion is confusing in part because this rule does not specify requirements for those facilities or vehicles, and also because those methods do not allow for detection in ppm with a hydrocarbon analyzer (which is how MDAQMD Rule 102 defines "vapor tight"). Specifically, CARB CP-201, CP-202, and CP-203 apply to organic liquid transfers. Please consider removing references to test methods (H)(3)-(H)(6) if they are not needed to verify compliance with some requirement of the rule.
5. Please amend section (H)(1) to ensure that True Vapor Pressure and Reid Vapor Pressure are determined using the correct methodology. Specifically, ASTM D-323-82 is used to determine Reid Vapor Pressure, and can be converted to True Vapor Pressure using API Bulletin 2517 (e.g., please see Mojave Desert AQMD Rule 462(G)(1)(c) and SCAQMD Rule 463 (h)(3)).
6. It is not clear what section (F)(4) is referring to when specifying "such a system." We recommend adding clarifying language.

7. We recommend referring to the specific requirements that must be evaluated twice per year for floating roof tank inspections in section (C)(3)(d)(i) (please see SCAQMD Rule 463 section (e)(3)(A), Attachment B and Antelope Valley AQMD Rule 463 section (e)(3)(A), Attachment B).
8. It is not clear why secondary seals in riveted tanks with mechanical shoe primary seals must allow larger probes than welded tanks (e.g. 2.5 inches in (F)(3)(e) instead of 1.5 inch probes for welded tanks measurements of seals in (F)(1)(e)). Please review whether riveted tanks with mechanical shoe primary seals should have the same requirement for probe insertion as welded tanks with mechanical shoe primary seals (i.e., up to 1.5 inches). For example, please see Ventura County APCD Rule 71.2 (E)(4)(c) and SCAQMD Rule 463 (c)(1)(C)(ii).

**5.a.) District Response to
Comment Submission by:
USEPA**

Response to USEPA Comments submitted on 10/18/2017

Rule 461 – Gasoline Transfer and Dispensing

1. (C)(1) - Removed “from” in the statement “into or from any tank”
2. (C)(3)(a) - Updated VRED URL.
3. (C)(1)(c) - Removed delivery vessels in (C)(1)(c).
4. (E)(1) - Corrected reference.
5. (G) – Added, “When more than one test method is specified, a violation of any one test is a violation of the rule.”
6. (C)(1)(c) - Added (C)(1)(d) calling out mobile fuelers with a 95% efficiency rating.
7. (C)(1)(l) – reviewed section and moved items to (C)(3) and (C)(4)
8. (E)(4) – corrected references
9. (C)(1)(c) – updated efficiencies to 98%.

Rule 462 – Organic Liquid Loading

1. (C)(2)(a)(i) - added a 95% efficiency.
2. (C)(1)(a)(ii) – removed section
3. (F)(1)(a) – added a requirement for records of Title V and MACT sources to maintain records for 5 years.
4. (G)(1)(d) – removed CP-201 “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities” from subsection (G) Test Methods for Compliance Verification.
5. (C)(2)(a)(iii) – Added backpressure requirement.
6. CMS – After reviewing RACT Districts, the MDAQMD does not believe that requiring a CMS is RACT. In the case of AVAQMD, CMS requirements were inherited from South Coast which of course is a BACT District.
7. (D)(5)(a)(li)(a) – required semi-annual leak inspections conducted with OVA when monthly sight/sound inspections are conducted.

Rule 463 – Organic Liquid Storage

1. (C)(1)(e) – referenced method EPA 25 or 25A.
2. (F)(4)(b) – Added USEPA, CARB and APCO instead of just APCO to satisfy requirement as discussed on call 11/29/2017.
3. Tank Gaps – upon further review of other RACT Districts, the MDAQMD feels that the tank gaps in revision D7 (12/4/2017) are in line with RACT requirements.
4. (H)(1) – Test methods CARB CP-201, CP-202 and CP-203 have been removed from this rule.
5. (H)(1) – The lasted Reid Vapor pressure as supplied by the USEPA is ASTM D-323-06 and has been updated in this rule.
6. (F)(4) – changed “such a system” to “closure system”.

7. (C)(3)(d) Added section to address Floating Roof Tank Inspection Requirements: subsection (i) states that, “all floating roof tanks subject to this rule shall be inspected twice per year at 4 – 8 month intervals.
8. (F)(3)(e) – Requirements found to be the same as South Coast AQMD.

Appendix “D”
California Environmental Quality Act
Documentation

1. Notice of Exemption – San Bernardino County
2. Notice of Exemption – Riverside County

This page intentionally left blank.



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • fax 760.245.2699
Visit our web site: <http://www.mdaqmd.ca.gov>
Brad Poiriez, Executive Director

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

☒ MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of: Rule 461 – Gasoline Transfer and Dispensing, Rule 462 – Organic Liquid Loading, Rule 463 – Storage of Organic Liquids

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: Rule 461, 462 and 463 are proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

- Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)
Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))
☒ Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rules 461, 462, and 463 are exempt from CEQA review because the amendments will not create any adverse impacts on the environment. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE:  **TITLE:** Executive Director **DATE:** 01/22/2018

DATE RECEIVED FOR FILING:

City of Adelanto	Town of Apple Valley	City of Bakersfield	City of Blythe	City of Hemet	City of Needles	County of Riverside	County of San Bernardino	City of Twentynine Palms	City of Victorville	Town of Yucca Valley
------------------	----------------------	---------------------	----------------	---------------	-----------------	---------------------	--------------------------	--------------------------	---------------------	----------------------

This page intentionally left blank.



Mojave Desert Air

14306 P.

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-201800005
01/31/2018 01:33 PM Fee: \$ 50.00
Page 1 of 1 MAR 07 2018

Removed: By: Deputy

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

☒ MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of: Rule 461 – Gasoline Transfer and Dispensing, Rule 462 – Organic Liquid Loading, Rule 463 – Storage of Organic Liquids

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: Rule 461, 462 and 463 are proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

☒ Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rules 461, 462, and 463 are exempt from CEQA review because the amendments will not create any adverse impacts on the environment. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE:  **TITLE:** Executive Director **DATE:** 01/22/2018

DATE RECEIVED FOR FILING:

City of Adelanto	Town of Apple Valley	City of Banning	City of Blythe	City of Hesperia	City of Redlands	County of Inland Empire	County of San Bernardino	City of Troy	City of Victorville	Town of Yucca Valley
---------------------	-------------------------	--------------------	-------------------	---------------------	---------------------	----------------------------	-----------------------------	-----------------	------------------------	-------------------------

This page intentionally left blank.

Appendix “E”

Bibliography

The following documents were consulted in the preparation of this staff report.

CTG’S:

Design Criteria for Stage I Vapor Control Systems – Gasoline Stations
(EPA-450/R-75-102 November 1975)

Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals
(EPA-450/2-77-026 October 1977),

Control of Volatile Organic Emissions from Bulk Gasoline Plants
(EPA-450/2-77-035 December 1977),

Control of Volatile Organic Emissions from Bulk Gasoline Plants
(EPA-450/2-77-035 December 1977),

Control of Volatile Organic Emission from Storage of Petroleum Liquids in Fixed-Roof Tanks
(EPA-450/2-77-036 December 1977),

Control of Volatile Organic Emission from Petroleum Liquid Storage in External Floating Roof
Tanks (EPA-450/2-78-047 December 1978) and

Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection
Systems (EPA-450/2-78-051 December 1978).

2017 CALIFORNIA HEALTH AND SAFETY CODE:

Part 4 – Non-Vehicular Air Pollution Control

Article 5 Gasoline Vapor Control
§41950 – §41964

Article 6 – Gasoline Cargo Tanks
§41970 - §41974

CALIFORNIA AIR RESOURCES BOARD

Vapor Recovery Executive Orders and Certification Test Procedures:

UST (Underground Storage Tanks) Phase I Vapor Recovery Executive Orders (EO’s):
AST (Aboveground Storage Tanks) Phase I Vapor Recovery Executive Orders:
Phase II EVR (Enhanced Vapor Recovery) Vapor Recovery Executive Orders
AST Phase II Vapor Recovery Executive Orders
Certification and Test Procedures

This page intentionally left blank

AIR DISTRICT RULES:

461 – Gasoline Transfer and Dispensing

AVAQMD Rule 461 – *Gasoline Transfer and Dispensing* (76 FR 5277, 01/31/2001),
SCAQMD Rule 461 – *Gasoline Transfer and Dispensing* (78 FR 21543, 04/11/2013),
YSAQMD Rule 2.22 – *Gasoline Dispensing Facilities* (81 FR 6763, 02/09/2016).

462 – Organic Liquid Loading

AVAQMD Rule 462 – *Organic Liquid Loading* (62 FR 60784, 11/13/1997),
PCAPCD Rule 213 – *Gasoline Transfer into Stationary Storage Containers* (80 FR 7345, 02/10/2015);
SCAQMD Rule 462 – *Organic Liquid Loading* (64 FR 39037, 07/21/1999),
YSAQMD Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006),

463 – Storage of Organic Liquids

AVAQMD Rule 463 – *Storage of Organic Liquids* (61 FR 54941, 10/23/1996);
PCAPCD Rule 212 – *Storage of Organic Liquids* (74 FR 27714, 06/11/2009),
PCAPCD Rule 213 – *Gasoline Transfer into Stationary Storage Containers* (80 FR 7345, 02/10/2015);
SCAQMD Rule 463 – *Storage of Organic Liquids* (78 FR 18854, 11/04/2011);
YSAQMD Rule 2.21 – *Organic Liquid Storage and Transfer* (71 FR 63694, 10/31/2006),

This page intentionally left blank

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD**

******NOTICE OF CANCELLATION OF REGULAR MEETING****
OF NOVEMBER 27, 2017 & DECEMBER 25, 2017**

NOTICE IS HEREBY GIVEN that the Regular Meeting of the Governing Board of the Mojave Desert Air Quality Management District (District) scheduled for Monday, November 27, 2017 at 10:00 a.m. and Monday, December 25, 2017 has been cancelled.

NOTICE IS ALSO HEREBY GIVEN that the date of the next regular meeting of the Governing Board is scheduled for Monday, January 22, 2018 at 10:00 a.m.

SAID MEETING will be conducted in the Mojave Desert Air Quality Management District Board Chambers, 14306 Park Avenue, Victorville, CA 92392-2310. Interested persons may attend and submit oral and/or written comments/statements at the meeting. It is requested that written comments/statements be submitted to the Victorville location prior to the meeting.

A copy of the Agenda will be duly posted in the main lobby of the District's Headquarter located at 14306 Park Avenue, Victorville, CA for viewing.

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD**

**DEANNA HERNANDEZ
EXECUTIVE OFFICE MANAGER
PHONE: (760) 245-1661 EXT. 6244**

**MAILED AND POSTED: Thursday, November 9, 2017
DATE**